

AN ORDINANCE OF THE CITY OF EUREKA AMENDING PORTIONS OF
EUREKA MUNICIPAL CODE CHAPTER 155 FOR THE
SEPTEMBER 2023 ZONING CODE UPDATE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

Title XV, Chapter 155, Section 155.108.050, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.108.050 – Land Use Regulations

- A. Land Use Regulation Tables.** Land use regulation tables in Article 2 (Zoning District Standards) identify permitted land uses within each zoning district. Notations within these tables have the following meanings:
1. **Permitted Uses.** A “P” means a use is permitted by right in the zoning district after obtaining a Zoning Clearance in accordance with 155.412.~~130-150~~ (Zoning Clearances).
 2. **Conditionally Permitted Uses.** A “C” means a use requires approval of a Conditional Use Permit in accordance with 155.412.~~110-120~~ (Use Permits).
 3. **Minor Permitted Uses.** An “M” means a use requires approval of a Minor Use Permit in accordance with 155.412.~~110-120~~ (Use Permits).
 4. **Uses Not Allowed.** A “-” (dash) means a use is not allowed in the zoning district.

Section 2.

Title XV, Chapter 155, Section 155.204.020 is hereby amended to read as follows:

155.204.020 – Allowed Land Uses

- A. General.** Table 204-1 identifies allowed land uses and required permits in the residential zoning districts.
- B. Additional Permits.** In addition to permits identified in Table 204-1, proposed projects in the residential zoning districts may require additional permits and approvals as described in 155.412 (Specific Permits and Approvals).

Table 204-1: Allowed Land Uses in Residential Zoning Districts

Land Use	Zoning District				Additional Standards
	Residential Estate RE	Residential Low R1	Residential Medium R2	Residential High R3	
P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited					
Residential					
Accessory Dwelling Unit (ADU)	P [5] [6]	P [5] [6]	P	P	155.316
Medical Care Housing	C	C	M	M	
Micro/Shared Housing	-	-	C	C	
Multi-family Dwellings	-	-	P	P	155.304.100
Non-medical Care Housing, Large	-	-	P	P	
Non-medical Care Housing, Small	P	P	P	P	
Single-Family Home, Attached (Townhomes)	-	-	P	P	
Single-Family Home, Detached (existing)	P	P	P	P	
Single-Family Home, Detached (new)	P	P	P [1]	P [1]	
Tiny House on Wheels	P	P	P	P	155.316, 155.304.130
Two Single-Family Homes on one parcel, Attached or Detached	P [5] [6]	P [5] [6]	-	-	
Commercial					
Car Share Facility	-	-	P	P	155.304.040
Day Care Facility	C [2]	C [2]	M [2]	M [2]	
Family Day Care Home, <u>Small or Large</u> [4]	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	155.304.060
Family Day Care Home, Small [4]	P	P	P	P	155.304.060
Vacation Rental					155.304.150
Proprietor On-Site	P	P	P	P	
No Proprietor On-Site	M	M	M	M	
Agricultural and Natural Resources					
Timber Production and Harvesting	C	C	-	-	
<u>Resource Protection and Restoration</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Civic and Recreation					
Civic Institutions	C	C	C	C	
Government Facilities	C	C	C	C	
Non-Commercial Places of Assembly	C	C	C	C	
Parks and Playgrounds	P	P	P	P	
Schools, Public and Private	C	C	C	C	
Instructional Services	-	-	C [3]	C [3]	
Infrastructure and Utilities					
Public Utility	C	C	C	C	
Other Uses and Activities					
Accessory Uses	See 155.304.020				

Land Use	Zoning District				Additional Standards
	Residential Estate RE	Residential Low R1	Residential Medium R2	Residential High R3	
Animal Keeping	See Municipal Code Chapter 91				
Home Occupations	See 155.304.070				
Neighborhood-Serving Commercial	See 155.224.030				
Temporary Uses	See 155.336				
Tree Removal	See 155.304.140				
Wireless Telecommunication Facilities	C	C	C	C	Municipal Code Chapter 159

Notes:
 [1] Allowed only on lots 3,000 square feet or less; or if an existing dwelling unit that is part of a multi-family dwelling becomes a single-family residence as a result of a subdivision; or on a lot with a non-residential primary use (i.e., in combination with another primary use on the same lot).
 [2] Allowed by-right when located in an existing non-residential facility such as a church or community center. Use Permit required for all other day care facilities.
 [3] Allowed only on collector and arterial streets as shown in General Plan Figure M-1. Not allowed on local streets.
 [4] Allowed only as a secondary use when combined with an allowed primary use. See 155.108.050.C (Types of Uses).
 [5] Two single-family residences, one ADU and one JADU are allowed on a parcel using only the authority contained in California Government Code Section 65852.2.
 [6] A maximum of one single-family residence, one JADU and either one additional single-family residence or one ADU are allowed on a lot that is subdivided using the authority contained in California Government Code Section 66411.7 and 155.332.040 (Urban Lot Split Subdivisions). Existing accessory dwelling units and/or junior accessory dwelling units are considered a “unit” for purposes of an urban lot split subdivision, and lots subdivided pursuant to Section 66411.7 may only be developed with residential uses (e.g. no Non-Commercial Places of Assembly, Family Day Care Homes, etc. are not allowed).

Section 3.

Title XV, Chapter 155, Section 155.204.030, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.204.030 – Development Standards

C. Urban Lot Splits. Table 204-2.2 shows development standards in the RE and R1 zoning districts for lots that are subdivided pursuant to California Government Code Section 66411.7 and 155.332.040 (Urban Lot Split Subdivisions).

Table 204-2: RE and R1 Development Standards

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
Minimum Lot Area [1]	10,000 sq. ft.	5,000 sq. ft.	155.308.010
Maximum Floor Area Ratio (FAR)	0.75	1.0	
Density			
Maximum units per acre or lot [2]	4 du/acre	1 du/lot [3]	

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Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
Minimum lot area per unit [1] [2]	10,000 sq. ft.	5,000 sq. ft.	
Maximum Site Coverage	35%	60%	
Maximum Building Height	35 ft.	35 ft.	155.308.020
Minimum Front Setbacks [4]			155.204.030.F; 155.308.030
Building Walls	15 ft. [5]	10 ft. [5]	
Porches and Stoops	15 ft. [5]	5 ft. [5]	
Garage Doors and Carport Entrances	20 ft.	20 ft.	
Minimum Exterior Side Setbacks			155.204.030.F&G; 155.308.030
Accessory Dwelling Unit [6]	4 ft. [7]	4 ft. [7]	
Building Walls; Porches and Stoops	15 ft. [5]	5 ft. [5]	
Garages on a corner lot facing a side street and entirely located within 30 ft. of the rear lot line [8]	0 ft. or ≥ 20 ft. [98]	0 ft. or ≥ 20 ft. [98]	155.204.030.H
All other garages [8]	20 ft.	20 ft.	
Minimum Interior Side Setbacks			155.204.030.G; 155.308.030
Accessory Dwelling Unit [6]	4 ft. [7]	4 ft. [7]	
All other structures	15 ft.	5 ft.	
Minimum Side Setback Adjacent to an Alley [7] [104]			
Accessory dwelling unit [6]	0 ft. – 4 ft. or ≥ 10 ft. [7]	0 ft. – 4 ft. or ≥ 10 ft. [7]	
First story	0 ft. – 2 ft. or ≥ 10 ft.	0 ft. – 2 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Minimum Rear Setbacks			155.204.030.I; 155.308.030
Alley Adjacent [910] [104]			
Accessory dwelling unit [6]	0 ft. – 4 ft. or ≥ 10 ft. [7]	0 ft. – 4 ft. or ≥ 10 ft. [7]	
First story	0 ft. – 2 ft. or ≥ 10 ft.	0 ft. – 2 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
No Alley [910]			

Standard	Zoning District		Additional Standards
	Residential Estate RE	Residential Low R1	
Accessory dwelling unit [6]	4 ft. [7]	4 ft. [7]	
First story	5 ft.	5 ft.	
Second story and above	10 ft.	10 ft.	
Notes: [1] Minimum lot area standard applies only to new lots created through the subdivision or lot line adjustment process after June 20, 2019. Lots existing as of June 20, 2019 are not subject to a minimum lot size standard. [2] Excludes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units). [3] For new subdivisions or conservation subdivisions, maximum 8.5 du/acre. [4] Includes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units). [5] Or average of adjacent lots, whichever is less. See 155.204.030.F (Average Setback Alternative). [6] New construction or increase in footprint of an existing structure to create an accessory dwelling unit on the first story. [7] Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official. Setback also applies to accessory dwelling units above a proposed ga [8] Garages must be set back either zero feet or 20 feet or more from the lot line. Garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports. [9] See Figure 204-5 in 155.204.030.I (Rear Setbacks). [10] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit.			

Table 204-2.1: Two Single-family homes on One Lot Zoned RE or R1

Standard	Zoning District		Additional Standards
	Estate Residential RE	Residential Low R1	
Maximum Floor Area Ratio (FAR)	0.75	1.0	
Density			
Maximum units per lot [1]	2 du/lot	2 du/lot	
Maximum Site Coverage	35%	60%	
Maximum Building Height	35 ft.	35 ft.	155.308.020
Minimum Front Setbacks [2][5]			155.204.030.F; 155.308.030
Building Walls	15 ft. [3]	10 ft. [3]	
Porches and Stoops	15 ft. [3]	5 ft. [3]	
Garage Doors and Carport Entrances	20 ft.	20 ft.	
Minimum Exterior Side Setbacks [2] [5]			
Building Walls; Porches and Stoops	4 ft. [3]	4 ft. [3]	
Garages on a corner lot facing a side street and entirely located within 30 ft. of the rear lot line [7]	0 ft. or ≥ 20 ft.	0 ft. or ≥ 20 ft.	155.204.030.H

Standard	Zoning District		Additional Standards
	Estate Residential RE	Residential Low R1	
All other garages [6]	20 ft.	20 ft.	
Minimum Interior Side Setbacks [2] [5]			
All structures	4 ft.	4 ft.	
Minimum Side Setback Alley Adjacent [2] [4] [5]			
First story	0 ft. - 4 ft. or ≥ 10 ft.	0 ft. - 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Minimum Rear Setbacks			
Alley Adjacent [2] [4] [5]			
First story	0 ft. – 4 ft. or ≥ 10 ft.	0 ft. – 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
No Alley [2] [5]			
All structures	4 ft.	4 ft.	
Notes: [1] Two single-family residences, one ADU and one JADU are allowed on a parcel using only the authority contained in California Government Code Section 65852.2. Accessory dwelling units and/or junior accessory dwelling units are not considered a “unit”. [2] Provided the setback is sufficient for fire and safety as determined by the Building Official. [3] Or average of adjacent lots, whichever is less. See 155.204.030.F (Average Setback Alternative). [4] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit. [5] No change to existing setbacks is required when either replacing an existing structure with a second single-family home in the exact same footprint as the original structure, or when converting an existing structure to a second single-family home, provided the setback is sufficient for fire and safety as determined by the Building Official. [6] New garages must be set back 20 feet or more from the lot line. [7] New garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports.			

Table 204-2.2: Urban Lot Split Development Standards

Standard	Zoning District		Additional Standards
	Estate Residential RE	Residential Low R1	
Minimum Lot Area	1,200 sq. ft.	1,200 sq. ft.	155.308.010
Minimum Lot Area as a percentage of original lot area	40%	40%	

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Standard	Zoning District		Additional Standards
	Estate Residential RE	Residential Low R1	
Maximum Floor Area Ratio (FAR)			
Residential Structures Only	1.3	1.3	
Residential Structures and covered parking (garage and/or carport)	1.67	1.67	
Density			
Maximum units per lot [1]	3 du/lot	3 du/lot	
Maximum Site Coverage	100%	100%	
Maximum Building Height	35 ft.	35 ft.	155.308.020
Minimum Front Setbacks [2] [5]			155.204.030. F; 155.308.030
Building Walls	10 ft. [3]	10 ft. [3]	
Porches and Stoops	5 ft. [3]	5 ft. [3]	
Garage Doors and Carport Entrances	0 ft. or ≥ 20 ft.	0 ft. or ≥ 20 ft.	
Minimum Exterior Side Setbacks [2] [5]			
Building Walls; Porches and Stoops	4 ft. [3]	4 ft. [3]	
Garages on a corner lot facing a side street and entirely located within 30 ft. of the rear lot line [7]	0 ft. or ≥ 20 ft.	0 ft. or ≥ 20 ft.	155.204.030.H
All other garages [6]	20 ft.	20 ft.	
Minimum Interior Side Setbacks [2] [5]			
All structures	4 ft.	4 ft.	
Minimum Side Setback Alley Adjacent [2] [4] [5]			
First story	0 ft. - 4 ft. or ≥ 10 ft.	0 ft. - 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Minimum Rear Setbacks			
Alley Adjacent [2] [4] [5]			
First story	0 ft. - 4 ft. or ≥ 10 ft.	0 ft. - 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
No Alley [2] [5]			

Standard	Zoning District		Additional Standards
	Estate Residential RE	Residential Low R1	
All structures	4 ft.	4 ft.	
<u>Notes:</u> [1] A maximum of one single-family residence, one JADU and either one additional single-family residence or one ADU are allowed on a lot that is subdivided using the authority contained in California Government Code Section 66411.7 and 155.332.040 (Urban Lot Split Subdivisions). Existing accessory dwelling units and/or junior accessory dwelling units are considered a "unit" for purposes of an urban lot split subdivision. [2] Provided the setback is sufficient for fire and safety as determined by the Building Official. [3] Or average of adjacent lots, whichever is less. See 155.204.030.F (Average Setback Alternative). [4] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit. [5] No setback is required for an existing structure or when replacing an existing structure in the exact same footprint as the original structure, provided the setback is sufficient for fire and safety as determined by the Building Official. In addition, no setback is required between existing or proposed adjacent or connected single-family homes, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance. [6] New garages must be set back either zero feet or 20 feet or more from the lot line. [7] New garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports.			

Section 4.

Title XV, Chapter 155, Section 155.208.020, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.208.020 – Allowed Land Uses

A. General. Table 208-1 identifies allowed land uses and required permits in the mixed-use zoning districts.

Table 208-1: Allowed Land Uses in the Mixed-Use Zoning Districts

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
Residential									155.208.040
Accessory Dwelling Unit (ADU)	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	P [1]	155.316
Medical Care Housing	C [2]	C [2]	C	C [2]	C	C	C	C	
Micro/Shared Housing	PC [2]	PC [2]	PC	PC [2]	PC	PC	PC	C	
Multi-family Dwellings	P [2]	P [2]	P	P[2]	P	P	P	C	155.304.100
Non-medical Care Housing, Large	P [2]	P [2]	P	C [2]	P	P	P	C	
Non-medical Care Housing, Small	P [2]	P [2]	P	P [2]	P	P	P	P	
Single Family Attached Home (Townhome)	P [3]	P [3]	P	P [3]	P	P	P	C	
Single Family Detached Home, New [10]	P -	P -	P -	P -	P -	P -	P -	C -	
Single Family Detached Home, Existing [8]	P	P	P	P	P	P	P	P	
Commercial - Sales									
Bars and Nightclubs	P	P	P	M	C	C	-	-	
Drive-Thru Facility, Food-Serving [4]	-	C	P	-	-	-	-	-	
Drive-Thru Facility, Non-Food Serving [4]	C	M	P	C	-	-	-	C	
Fuel and Service Stations	-	M	P	-	-	-	-	-	
General Retail – Indoor, Very Large	-	C	C	-	-	-	-	-	
General Retail – Indoor, Large	C	C	P	-	-	-	-	-	
General Retail – Indoor, Small	P	P	P	P	P	P	C	M [5]	
General Retail-Outdoor [4]	C [6]	C	P	P [6]	C	C	-	-	
Heavy Equipment Sales and Service	-	C	M	-	-	-	-	-	
Mobile Vendors	P	P	P	P	P	P	P	P	155.304.090
Restaurants, Cafes, and Beverage Sales	P	P	P	P	P	P	C	M [5]	
Vehicle Sales and Rental (Indoor)	P	P	P	-	-	-	-	-	

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P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
Commercial - Service and Office									
Business Services and Heavy Commercial	-	P	P	-	-	-	-	-	
Car Share Facility	P	P	P	P	P	P	P	P	
Check Cashing	C	C	C	-	-	-	-	-	
Commercial Lodging	P	P	P	P	P	P	C	C [5]	
Day Care Facility	P	P	P	P	P	P	P	P	
Family Day Care Home, <u>Small or Large</u> [4]	P	P	P	<u>PM</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	P	155.304.060
<u>Family Day Care Home, Small</u> [4]	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>155.304.060</u>
Fitness, Dance, or Health Facility, Large	P	P	P	-	-	-	-	-	
Fitness, Dance, or Health Facility, Small	P	P	P	P	P	P	C	C [5]	
General Services	P	P	P	P	M	M	C	-	
Hospitals	-	-	-	-	-	-	-	P	
<u>Indoor Commercial Recreation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>M</u>	<u>M</u>	<u>C</u>	<u>-</u>	
Kennel-Animal Boarding	-	C	M	-	-	-	-	-	
Medical Offices and Clinics	P	P	P	P	P	P	P	P	
Offices	P	P	P	P	P	P	P	-	
Outdoor Commercial Recreation	C	M	P	M	M	M	-	-	
Parking Lots and Structures	C	M	M	C	C	C	C	M [5]	
Personal Service	P	P	P	P	P	P	P	C [5]	
Vehicle <u>Cleaning and</u> Repair	C	M	P	-	-	-	-	-	
Vehicle Towing and Impound	-	-	C	-	-	-	-	-	
Industrial and Storage									
Manufacturing, Artisan	P	P	P	P	P	P	C	-	
Manufacturing, Light	-	M	C	-	-	-	-	-	
Outdoor Storage, Non-Retail	-	-	M [9]	-	-	-	-	-	155.304.110.H

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P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
Warehousing, Wholesale, and Distribution	-	C	C	-	-	-	-	-	
Civic and Recreation									
Civic Institutions	P	P	P	P	P	P	P	-	
Colleges and Trade Schools (upper floor)	P	P	P	P	C	C	C	C [5]	
Colleges and Trade Schools (ground floor)	C	C	C	C	C	C	C	C [5]	
Instructional Services	P	P	P	P	P	P	P	C [5]	
Emergency Shelter	-	-	P	-	-	-	-	-	155.304.050
Government Facilities	P	P	P	P	P	P	P	P	
Non-Commercial Places of Assembly	P	P	P	P	P	P	P	P	
Parks and Playgrounds	P	P	P	P	P	P	P	P	
Recreational Vehicle Parks	-	-	C	-	-	-	-	-	155.304.120
Schools, Public and Private	C	C	-	-	-	-	-	-	
Social Services	C	C	C	-	-	-	-	C	
Infrastructure and Utilities									
Public Utility	C	C	C	C	C	C	C	C	
Recycling Collection Facility	-		C	-	-	-	-	-	
Other Uses									
Accessory Uses	See 155.304.020								
Cannabis Uses	See Municipal Code Chapter 158								
Home Occupations	See 155.304.070								
Temporary Uses	See 155.336								
Wireless Telecommunication Facilities	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	C	P [7]	Municipal Code Chapter 159

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P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited Land Use	Zoning District								Additional Standards
	Downtown DT	Downtown West DW	Service Commercial SC	Henderson Center HC	Neighborhood Commercial NC	Wabash Avenue WA	Office Residential OR	Hospital Medical HM	
Notes: [1] An accessory dwelling unit is allowed in conformance with 155.316 (Accessory Dwelling Unit). [2] See 155.208.040 (Pedestrian-focused Frontages) for ground-floor use limitations that apply to residential uses facing a Pedestrian-focused Frontage as shown in Figure 208-4. [3] Prohibited when facing a Pedestrian-focused Frontage as shown in Figure 208-4. [4] Allowed only as a secondary use when combined with an allowed primary use. See 155.108.050.C (Types of Uses). [5] Limited to uses intended to primarily serve employees, patients, and visitors of medical uses in the zoning district as determined by the Minor Use or Conditional Use Permit process. [6] New general retail - outdoor uses established after June 20, 2019 are prohibited. General retail-outdoor uses established before June 20, 2019 may remain. See 155.208.020.C (General Retail – Outdoor in the Downtown Zoning District). [7] Wireless Telecommunication Facilities located within 100 feet of a residential zoning district require a CUP. [8] Reconstruction of a damaged or destroyed single-family detached home is allowed, provided reconstruction is commenced within two years of the date the building was damaged or destroyed. [9] Until October 1, 2031, metal shipping containers used for outdoor storage are principally permitted for both retail and non-retail when in compliance with 155.304.110.H. After October 1, 2031, shipping containers in the SC zone must either be removed on or before October 31, 2031, or will continue as a non-conforming use and structure, and will be subject to the requirements in 155.424 (Nonconformities). [10] Allowed only on lots with a non-residential primary commercial use (i.e., only allowed in combination with another primary use on the same lot).									

Section 5.

Title XV, Chapter 155, Section 155.208.030, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.208.030 – Development Standards

C. Setbacks Adjacent to Residential Zoning Districts. All new buildings and additions to existing buildings adjoining a lot in a residential zoning district must comply with the setback standards in Table 208-3. See Figure 208-3.

Table 208-3: Setbacks Adjacent to Residentially-zoned Lot

Lot Line	Minimum Setback
Interior Side	
Accessory Dwelling Unit	4 ft.
First and second stories	5 ft.
Third story and above	10 ft.
Alley Rear	0 ft.
Non-Alley Rear	
Accessory Dwelling Unit	4 ft.
First story	5 ft.
Second story	10 ft.
Third story and above	15 ft.

Figure 208-3: Setbacks Adjacent to Residential Zoning Districts (Elevations)

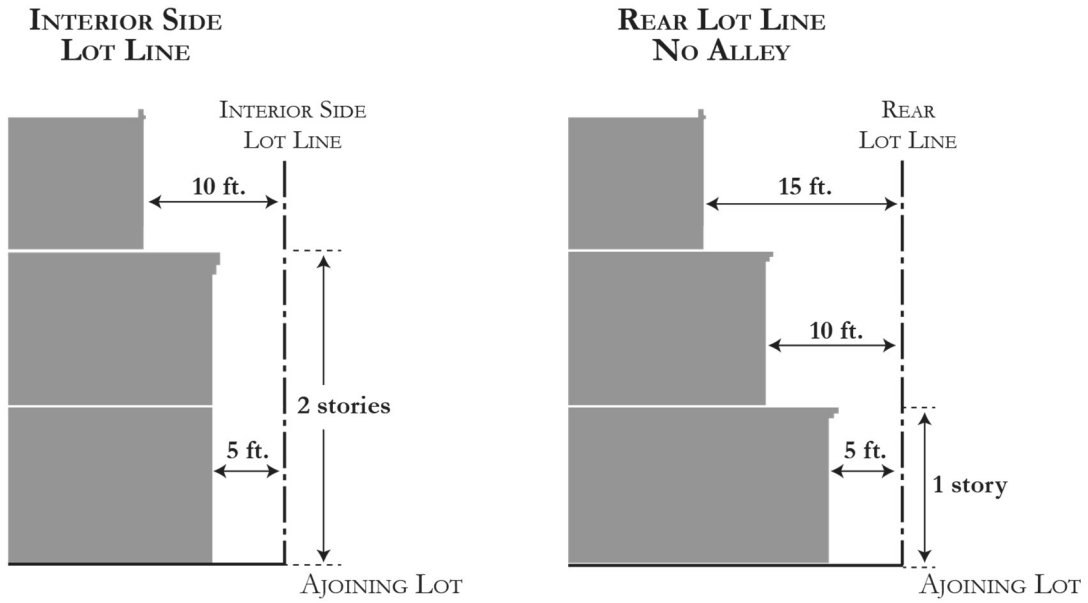
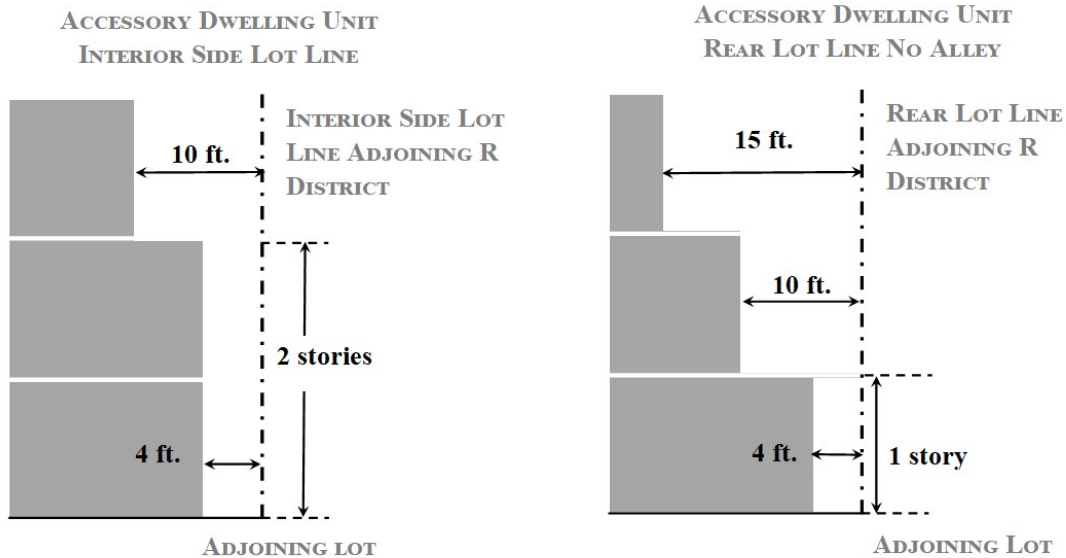


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Section 6.

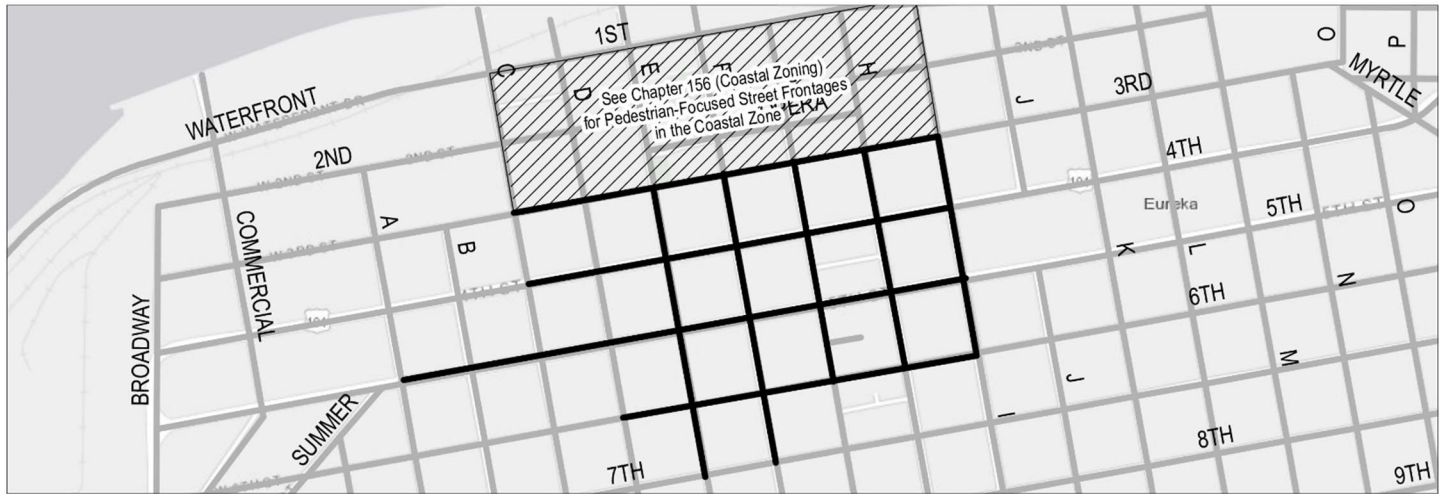
Title XV Chapter 155, Section 155.208.040 is hereby amended to read as follows:

155.208.040 – Pedestrian-Focused Frontages

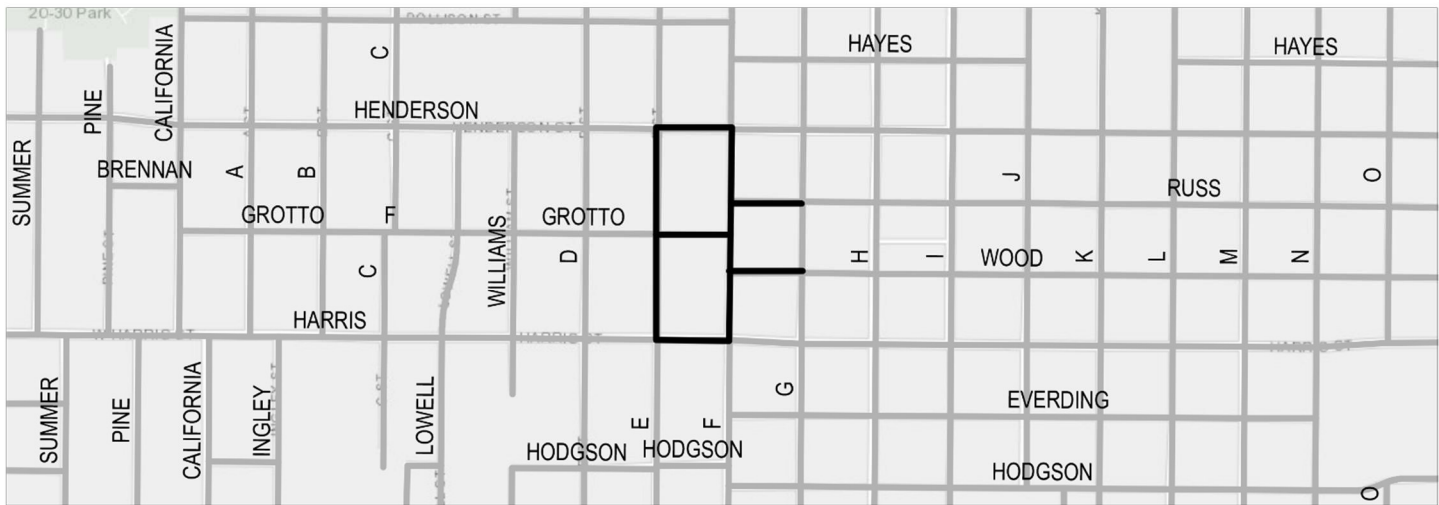
- A. Purpose and Applicability.** Figure 208-4 shows the location of Pedestrian-focused Frontages outside of the coastal zone. The facades of buildings facing these street frontages are subject to special land use regulations and development standards to maintain and enhance an active and engaging pedestrian environment. These standards do not apply to facades that do not front the street (e.g., multi-story building facades that can be seen over shorter buildings).
- B. Design Review Required.** Any exterior modification to a building façade that faces a Pedestrian-focused Frontage requires Design Review in accordance with [Section 155.412.040 \(Design Review\)](#), unless the Director determines the modification is so minor in nature that it would not be noticeable by a pedestrian, and the modification does not result in a decrease in ground-floor storefront transparency. “Exterior modification” includes the addition of a new sign, but does not include refacing of an existing sign when there is no change in the size of the sign, and does not include a new, or refacing of an existing sign painted directly on the façade. Design Review is not required for signs allowed without permits listed under 155.340.030.
- C. Ground Floor Ceiling Height.** A new building with non-residential ground-floor uses facing the street must provide a minimum floor to ceiling height of 12 feet on the ground floor.
- D. Ground Floor Residential Use Limitations.**

1. New residential development with less than 66 dwelling units per acre, must be part of a mixed-use project where the residential use is located above or behind a ground-floor non-residential use facing the street. For example, on a 6,000 square foot lot, a new residential development with less than nine units cannot have ground-floor street-facing residential units.
2. For projects with 66 dwelling units per acre or more, ground-floor residential uses facing the street are permitted. For example, on a 6,000 square foot lot, a new residential development with nine or more units may have street-facing residential units.
- ~~2.3.~~ For shared living quarters without separate kitchen or bathroom facilities for each room or unit (e.g., Micro/Shared Housing, Non-Medical Care Housing, or Emergency Shelters), ground-floor residential uses facing the street are permitted if the project serves 99 persons or more per acre.
- ~~3.4.~~ When allowed, ground-floor residential uses facing the street are not subject to the transparency requirement in 155.208.040.E (Ground Floor Storefront Transparency).

Figure 208-4: Pedestrian-Focused Frontages (both sides of each street)



Downtown and Old Town



— Street frontages where new buildings must comply with minimum ground floor transparency requirements

Henderson Center

E. Ground Floor Storefront Transparency. Non-residential ground-floor uses facing the street shall comply with the following transparency requirement.

1. The ground-floor street-facing building walls of non-residential uses must provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between three and seven feet above the sidewalk. See Figure 208-5.
2. Window and door area must be transparent to allow views into the building, but may be translucent for privacy purposes, provided that the windows can be returned to a transparent state.

Figure 208-5: Storefront Transparency (between three and seven feet above the sidewalk)



3. The Director, or Design Review Committee when design review pursuant to 155.412.040 (Design Review) is required pursuant to 155.412.040 (Design Review), may allow exceptions to this transparency requirement with an Administrative Adjustment. To approve the Administrative Adjustment, the Director ofr Design Review Committee must make the findings in 155.412.030.F (Findings for Approval) and the following additional findings:
 - a. The proposed use has unique operational characteristics that preclude building openings, such as for a cinema or theater; and
 - b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

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Section 7.

Title XV, Chapter 155, Section 155.212.020, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.212.020 – Allowed Land Uses

A. General. Table 212-1 identifies allowed land uses and required permits in the industrial zoning districts.

Table 212-1: Allowed Land Uses in the Industrial Zoning Districts

Land Use	Zoning Districts			Additional Standards
	Hinge Industrial HN	Light Industrial LI	Heavy Industrial HI	
Residential				
Micro/Shared Housing	C [1]	-	-	
Multi-family Dwellings	C [1]	-	-	
Non-medical Care Housing	C [1]	-	-	
Commercial - Sales				
Bars and Nightclubs	C	-	-	
Fuel and Service Stations	C	M	M	
Heavy Equipment Sales and Service	P	P	P	
Mobile Vendors	P	P	P	155.304.090
Commercial - Service and Office				
Adult Entertainment	C [2]	C	-	155.304.030
Business Services and Heavy Commercial	P	P	P	
Fitness, Dance, or Health Facility, Large	C	C	-	
Fitness, Dance, or Health Facility, Small	M	M	-	
<u>Indoor Commercial Recreation</u>	<u>C</u>	<u>C</u>	<u>-</u>	
Kennel-Animal Boarding	M	M	-	
Offices, Existing	P [3]	P [3]	P [3]	
Offices, New	C [1]	-	-	
Parking Lots and Structures	P	M	C	
Vehicle <u>Cleaning and Repair</u>	P	P	P	
Vehicle Towing and Impound	P	P	P	
Industrial and Storage				
Manufacturing, Artisan	C	-	-	
Manufacturing, Light	P	P	P	

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Land Use	Zoning Districts			Additional Standards
	Hinge Industrial HN	Light Industrial LI	Heavy Industrial HI	
Manufacturing, Heavy	-	-	P	
Mini-Storage	-	C	C	
Outdoor Storage, Non-Retail	P	P	P	155.304.110
Warehousing, Wholesale, and Distribution	P	P	P	
Agricultural and Natural Resources				
Animal Processing	-	-	C	
Civic and Recreation				
Emergency Shelter	P	P	-	155.304.050
Government Facilities	C	C	C	
Social Service Providers	M	M	-	
Infrastructure and Utilities				
Freight Terminals and Transfer	C	C	P	
Public Agency Corporation Yard	P	P	P	
Public Utility	C	C	C	
Recycling Collection Facility	P	P	P	
Recycling Processing Facility	C	C	P	
Other Uses				
Accessory Uses	See 155.304.020			
Cannabis Uses	See Municipal Code Chapter 158			
Home Occupation	See 155.304.070			
Temporary Uses	See 155.336			
Wireless Telecommunication Facilities	P [4]	P [4]	P [4]	Municipal Code Chapter 159
Notes:				
[1] Residential and office uses must be located either above ground floor commercial and/or industrial in a vertical mixed-use building or to the rear of a separate street-fronting building on the site. Residential and office uses must be designed in compliance with 155.212.030.D (Standards for Residential and Office Uses in Mixed-Use Projects).				
[2] Prohibited on lots fronting Fourth Street.				
[3] Existing offices established as of June 20, 2019 as a primary use on a lot may continue as a permitted use. New office uses are allowed only on lots where an office use was a primary use on the lot as of June 20, 2019. New office uses are not permitted on a lot if an office use was not present as a primary use on the lot as of June 20, 2019.				
[4] Wireless Telecommunication Facilities located within 100 feet of a residential zoning district require a CUP.				

Section 8.

Title XV, Chapter 155, Section 155.216.020, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.216.020 – Allowed Land Uses

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A. General. Table 216-1 identifies allowed land uses and required permits in the public zoning districts.

Table 216-1: Allowed Land Uses in the Public Zoning Districts

Land Use	Zoning District		Additional Standards
	Public Facilities PF	Parks and Recreation PR	
P = Permitted Use M = Minor Use Permit Required C = Use Permit Required			
Commercial - Sales			
Mobile Vendors	P	P	155.304.090
Commercial - Service and Office			
Parking Lots and Structures	P [1]	C	
<u>Agricultural and Natural Resources</u>			
<u>Resource Protection and Restoration</u>	<u>P</u>	<u>P</u>	
Civic and Recreation			
Civic Institutions	P	C	
Colleges and Trade Schools	P [2]	-	
<u>Emergency Shelter</u>	<u>P</u>	<u>-</u>	
Government Facilities	P	C	
Instructional Services	P [2]	-	
Parks and Playgrounds	P	P	
Schools, Public and Private	P [2]	-	
Social Services	C	-	
Infrastructure and Utilities			
Airport	P	-	
Public Agency Corporation Yard	P	-	
Public Utility	C	-	
Recycling Collection Facility	C	-	
Other Uses			
Accessory Uses	See 155.304.020		
Temporary Uses	See 155.336		
Wireless Telecommunication Facilities	C	C	Municipal Code Chapter 159
Notes:			
[1] City owned or operated only.			
[2] Public schools only.			

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Section 9.

Title XV, Chapter 155, Section 155.304.020 is hereby amended to read as follows:

155.304.020 – Accessory Uses

A. Relationship to Primary Use.

1. An accessory use must be related to and serve the purpose of the primary use on the site.
2. An accessory use must be clearly incidental and subordinate to the primary use on the site, which may be demonstrated by factors such as the floor area of the use, economic importance of the use, and the number of customers/visitors generated by the use.
3. If the primary use is destroyed or removed, the accessory use is no longer allowed.

B. Maximum Size. The following maximum size standards apply to all accessory uses except accessory dwelling units (ADUs):

1. When an accessory use other than a structure for residential vehicle parking and/or storage is located within a building, the total floor area of the accessory use may not exceed 49 percent of the habitable floor area of the building containing the associated primary use.
2. The floor area of a residential garage or a shed may not exceed 100 percent of the habitable floor area of the building containing the associated primary use.
3. The Director may allow the floor area of an accessory use to exceed the limitation with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that:
 - a. The accessory use complies with 155.304.020.A (Relationship to Primary Use); and
 - b. Unique circumstances associated with the primary use warrant the additional floor area for the accessory use.

C. Location. An accessory use must be located on the same site as the primary use.

D. Timing of Establishment. An accessory use may not be established before the primary use is established.

E. Residential Accessory Uses. Accessory uses customarily associated with a place of residence on the same site are permitted ~~in residential zoning districts~~. Allowed accessory uses include, but are not limited to the following:

1. Home occupations in conformance with 155.304.070 (Home Occupations).
2. Garage and yard sales in conformance with 155.336.040.B (Garage Sales).
3. Keeping of domestic pets in conformance with Municipal Code Chapter 91 (Animals).

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4. Vehicle parking serving on-site uses in conformance with 155.324 (Parking).
5. Gardening, landscaping, and open space management in conformance with Municipal Code Section 94.15 et seq. (Weeds, Rubbish and Debris).
6. Storage of personal household property inside a permitted structure.
7. Personal hobbies for non-commercial purposes.

F. Non-residential Accessory Uses. Accessory uses customarily associated with ~~the a~~ primary non-residential use on the same site are permitted ~~in non-residential zoning districts~~. Allowed accessory uses include, but are not limited to the following:

1. Administrative offices for the primary use.
2. Vehicle parking serving on-site uses in conformance with 155.324 (Parking).
3. Wholesale or retail sales to a buyer's custom order of goods produced by the primary use.
4. Back-of-the-house niche manufacturing of products sold in a retail facility (such as chocolate production in the back of a candy store, craft beer brewing in a restaurant/brewery, or guitar fabrication in the back of a music instrument store).
5. The storage of goods associated with the primary use in conformance with Subsection 155.304.110 (Outdoor Storage).
6. Tasting rooms associated with a food or beverage production use.
7. Caretaker units in the industrial and public zoning districts.
8. Other similar uses as determined by the Director through a Zoning Clearance.

Section 10.

Title XV, Chapter 155, Section 155.304, Subsection 155.304.030, Division F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.030 – Adult Entertainment

F. Application Review/Conditions of Approval.

1. Applications to establish adult entertainment shall be reviewed by the City of Eureka Chief of Police. The Chief of Police shall recommend to the Planning Commission conditions of approval necessary to protect the public health, safety, and welfare.
2. Conditions of approval may address hours of operation, lighting, management supervision, security, visibility, signage, access by minors, live performances, the configuration of interior spaces, and other development and operational standards as needed.

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3. To approve an adult entertainment use, the Planning Commission must make all findings in 155.412.~~110~~120.F (Findings for Approval) and may attach any additional conditions of approval in accordance with 155.408.120 (Conditions of Approval).

Section 11.

Title XV Chapter 155, Section 155.304.050, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.050 – Emergency Shelters

C. Standards.

1. **Buildings and Open Space.** An emergency shelter may be established within one or more buildings or outside of buildings in open space areas.
2. **Number of Residents.** For emergency shelters occupying a building, the Building Official and/or Fire Marshal will determine the maximum number of residents permitted to occupy an emergency shelter based on Building Code occupant loading requirements.
3. **Length of Stay.** The length of stay at an emergency shelter may not exceed one year.
4. **Separation.** An emergency shelter may be located no closer than 50 feet from another emergency shelter.
- ~~4. **Separation.** An emergency shelter may be located no closer than 1,000 feet from a pre-school, nursery school, or schools for students in kindergarten through 12th grade; and
50 feet from another emergency shelter.~~

Section 12.

Title XV Chapter 155, Section 155.304.060 is hereby amended to read as follows:

155.304.060 – Family Day Care Homes

- A. **License.** Family Day Care Home providers must obtain and maintain a license from the State of California Department of Social Services.
- ~~B. **Separation—Large Family Day Care Homes.** A large family day care home in a residential zoning district may not be located within 300 feet of another family day care home (large or small) or a day care facility.~~

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Section 13.

Title XV Chapter 155, Section 155.304.070, Division E is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.070 – Home Occupations

E. Standards. The following standards apply to all home occupations:

1. **Accessory Use.** The home occupation must be clearly secondary to the primary use of the property as a residence.
2. **Signs.** See 155.340.030.A.7 (Home Occupation).
3. **Residential Appearance.** Except for a permitted sign, the existence of the home occupation may not be apparent beyond the boundaries of the site, and no permit to alter the exterior of the structure for the home occupation may be approved.
4. **Off-site Effects.** A home occupation may not create dust, fumes, odors, smoke, noise, vibration, or electrical interference that is perceptible beyond the property line.
5. **Hazardous Materials Prohibited.** The storage and use of flammable, combustible, or explosive materials must receive approval from the Chief Building Official. Typically, the only such materials that will be allowed are limited to small quantities of fuel for landscaping equipment, contained mini-torches used for sculpting glass, and other similar modest quantities of materials associated with approved home occupation business types.
6. **Outdoor Display or Storage.** Window displays, outdoor storage, or display of equipment, materials, or supplies associated with the home occupation are not allowed.
7. **Employees.** A maximum of two on-site non-resident employees is allowed.
8. **Client/Customer Visits.** Except when allowed by 155.304.070.E.9 (Special Events), only ten vehicle trips per day of clients or customers to the residence are allowed. Client or customer visits are limited to the hours between 8:00 a.m. and 8:00 p.m.
 - a. For retail, commercial service, and office home occupations, no more than one client or customer may be on-site at any given time.
 - b. For instructional services, tutoring, gyms, and other similar home occupations as determined by the Director, a maximum of 10 students, clients, or customers may be on-site at any given time.
9. **Special Events.** A home occupation may host up to four special events per year where the client/customer limitations in 155.304.070.E.8 (Client/Customer Visits) do not apply. Special events include music recitals, dance performances, gallery open studios, and other similar

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events.

10. **Deliveries.** Deliveries and pick-ups may not involve the use of commercial vehicles greater than 26,000 pounds gross vehicle weight except for FedEx, UPS, or USPS-type home deliveries and pick-up.

11. **Parked Vehicles.** Commercial vehicles/trailers greater than 19,500 pounds gross vehicle weight used by the home occupation may not be parked on site or on street.

~~11-12.~~ **Number of Home Occupations per Residence.** More than one home occupation per residence is allowed; however, all home occupations combined must adhere to the home occupation standards. For example, regardless of the number of home occupations permitted in association with a residence, only two on-site non-resident employees would be allowed at the residence.

Section 14.

Title XV, Chapter 155, Section 155.304.110, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.110 – Purpose

C. **Where Allowed.** Outdoor storage is allowed as a primary use only in zoning districts identified in the allowed use tables in Article 2 (Zoning District Standards). Outdoor storage is also allowed as an accessory use for the storage of goods associated with the primary non-residential use in accordance with 155.304.020 (Accessory Uses).

Section 15.

Title XV, Chapter 155, Section 155.304.130, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.130 – Tiny House on Wheels

C. **Design and Construction Standards.** A Tiny House on Wheels must be compatible in design and appearance with residential structures and meet the following standards:

1. **Parking Surfacing.** The surface material under wheels and/or leveling or support jacks must be consistent with Section 155.324.060.F (Surfacing). Bumper guards, curbs, or other installations adequate to prevent movement of the unit are required.

~~2. **Roof Material and Slope.** Roof material must consist of material customarily used for conventional dwelling units, such as tile, standing seam metal roofing, composition shingles, or wood shakes or shingles. Roofs must be sloped to drain over the roof edge.~~

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~~3. **Siding Material.** Siding material must consist of exterior material customarily used for conventional dwelling units, such as wood, brick, stone, or decorative concrete. Metal siding, if utilized, must be non-reflective and horizontally lapped.~~

~~4.2. **Skirting.** Undercarriage, including the wheels, tongue, axle, and hitch, must be hidden from view using materials or features such as lattice, fencing, planter boxes, detached decks, etc.~~

~~5. **Windows.** Windows shall be at least double pane glass, labeled for building use, and include exterior trim.~~

~~6. **Walls.** Walls must be fixed; slide-outs, tip-outs, and other forms of mechanically articulating room area extensions are prohibited.~~

~~7.3. **Mechanical Equipment.** All mechanical equipment must be incorporated into the structure and may not be located on the roof unless screened.~~

~~8.4. **Construction Code Requirements.** A Tiny House on Wheels must comply with at least one of the following:~~

- a. National Fire Protection Association (NFPA) 1192 RV standards or American National Standards Institute (ANSI) 119.5 Park Model standards. Certification for NFPA or ANSI compliance must be made by a qualified third-party inspector. Proof of compliance must be submitted with the Tiny House on Wheels permit application.
- b. State building standards for dwellings as determined by the Chief Building Official, including 2019 CA Residential Code Appendix Q Tiny Houses or other adopted alternatives. A Building Permit must be obtained to demonstrate compliance with state building standards.

Section 16.

Title XV, Chapter 155, Section 155.304.130, Division F is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.130 – Tiny House on Wheels

- F. Permit Required.** A Tiny House on Wheels Permit is required prior to and for the duration of occupancy of the Tiny House on Wheels. The permit is a ministerial approval by the Director to confirm the proposed Tiny House on Wheels complies with all applicable standards.
1. **Not Transferrable.** The permit shall be issued for a specific Tiny House on Wheels (based on DMV registration number) to occupy a specific location on a designated property as indicated on a required site plan. The permit may not be transferred to authorize relocation of the permitted Tiny House on Wheels, and/or installation of a different Tiny House on Wheels at the authorized location.

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2. **Property Owner Approval.** Authorization by the owner of the residential lot is required.
3. **Annual Renewal.** The permit shall lapse and become void one year following the date the permit became effective unless renewed or revoked for violation of the terms of the permit application. If a lapse in permit occurs, the structure is no longer considered a Tiny House on Wheels and cannot be used or inhabited as an Accessory Dwelling Unit until a new permit is obtained.
4. **Inspection.** A Tiny House on Wheels shall be inspected by the Building Department prior to final approval of a Tiny Houses on Wheels Permit, to verify the unit is in good working order for living, sleeping, eating, cooking, and sanitation, including adequate connection to utilities. Additional inspections may be required at the discretion of the Chief Building Official. The cost of any required inspection shall be borne by the Tiny House on Wheels owner.

Section 17.

Title XV, Chapter 155, Section 155.304.140, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.140 – Tree Removal

A. Purpose. This subsection establishes permit requirements to remove trees ~~in residential zoning districts~~. Much of Eureka is forested with stands of redwoods and other trees that are a distinctive part of the City's history and character, and every effort should be made to preserve and protect these trees, while protecting the public's safety and supporting ~~residential~~ development. When trees pose a hazard or are located in areas of planned growth, they may need to be removed. These regulations are intended to:

1. Protect and preserve trees that are important to the character of the City and its neighborhoods.
2. Protect the public's safety by allowing hazardous tree removal.
3. Allow for tree removal, or tree mass reduction, as necessary to allow for residential developments and supporting solar arrays.

Section 18.

Title XV, Chapter 155, Section 155.304.140, Division H is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.304.140 – Tree Removal

H. Findings for Approval. To approve a Tree Permit or a Conditional Use Permit for tree removal, the

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review authority must make all the following findings:

1. Approval of the Tree Permit will not be detrimental to the public health, safety or welfare, and approval of the Tree Permit is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
2. Measures have been incorporated, if necessary, into the project or permit to mitigate impacts to remaining trees or to replace the trees removed in compliance with this Division.
3. The removal of a healthy tree cannot be avoided by redesign of the site plan prior to construction or trimming, thinning, tree surgery, or other reasonable treatment, as determined by the Director.
4. Adequate provisions for drainage, erosion control, land stability, windscreen, and buffers along any road and between neighbors have been made where these problems are anticipated as a result of the removal.
5. Tree(s) to be removed between February 1 and August 15 of each year, have been surveyed by a qualified professional, and a report has been provided to the City indicating removal of the trees will not impact active nesting or roosting sites of a listed bird species or bird species of special concern.

Section 19.

Title XV, Chapter 155, Section 155.304.140, Division I is hereby amended to read as follows *(the remainder of the section is unchanged and is omitted)*:

155.304.140 – Tree Removal

- I. **Conditions of Approval.** Approval of a Tree Permit or a Conditional Use Permit for tree removal must include Conditions of Approval as necessary to ensure compliance with this Subsection and all other applicable provisions of the zoning code. Conditions of Approval may include, but are not limited to:
 1. Requiring removal of invasive or noxious vegetation (e.g. English Ivy) from other trees on the applicant's property.
 2. Allowing for the removal of non-native trees adjacent to natural areas if replaced with an appropriate native tree.
 3. Requiring tree replacement(s) for any tree(s) removed through a Tree Permit.
 4. Weekday hours of operation.

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Section 20.

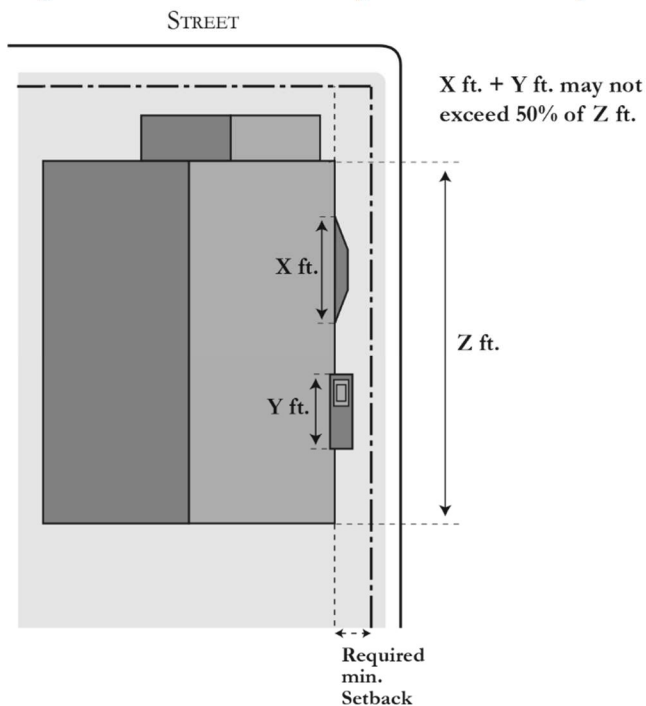
Title XV, Chapter 155, Section 155.308.030, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.308.030 – Setback Exceptions

A. Building Features.

1. In residential zoning districts, the following building features may project a maximum of three feet into required setbacks, but may not cross property lines without an easement or encroachment permit:
 - a. Cornices, awnings, eaves, and other similar roof projections.
 - b. Bay windows, balconies, sills, louvers, fireplaces, chimneys, and similar wall projections.
 - c. Unenclosed balconies, decks, stairways, fire escapes, and other emergency egress structures (all unenclosed).
 - d. On demand water heaters, utility meters and/or connections, and other equipment normally associated with a structure.
2. In residential zoning districts, the total length of all building wall projections (excluding eaves and other roof projections) in required setback areas may not exceed 50 percent of the length of the wall to which the projection is attached. See Figure 308-1.

Figure 308-1: Maximum Length of Setback Projection



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~~3.—Projections may not extend across a property line except as allowed by Paragraph (4) of this division.~~

~~4.3.~~ In non-residential zoning districts, a building feature may extend across a property line into the public right-of-way with an encroachment permit.

Section 21.

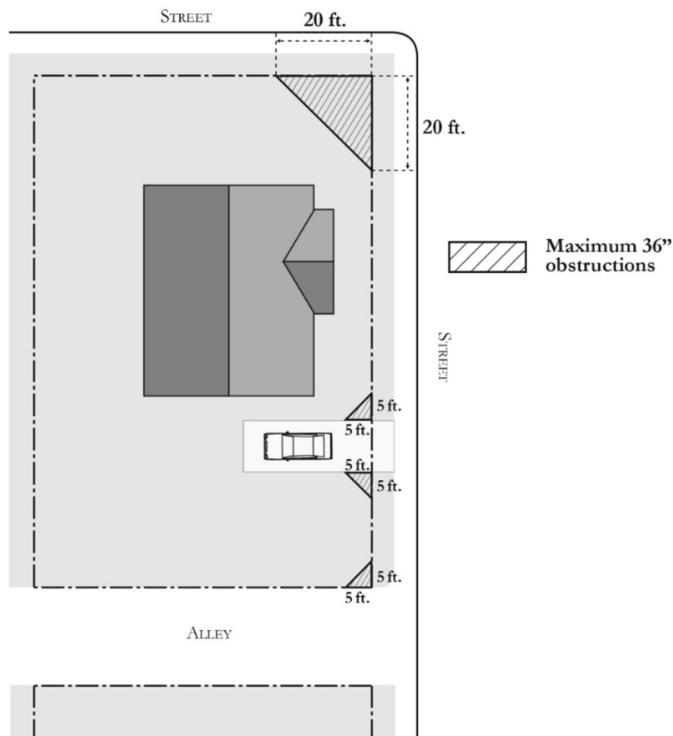
Title XV Chapter 155, Section 155.308.040, Division C, Paragraph 2 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.308.040 – Vision Clearance Area

C. Vision Clearance Areas Defined

- 2. Driveways/Alleys.** The driveway/alley vision clearance area is the area formed by measuring five feet along the edge of the driveway/alley and the lot line from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 308-2. ~~Where no sidewalk is present, the lot line will be used.~~

Figure 308-2: Vision Clearance Area



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Section 22.

Title XV, Chapter 155, Section 155.308.050 is hereby amended to read as follows:

155.308.050 – Outdoor Lighting

A. **Purpose.** This subsection establishes standards for outdoor lighting to minimize light pollution, maintain enjoyment of the night sky, and reduce light impacts on adjacent properties.

B. **Applicability.** The standards in this subsection apply to all outdoor lighting in Eureka.

C. **Exceptions.**

1. Lighting installed and maintained by the City, another public agency, or a public utility;
2. Athletic field lights used within a school campus or public or private park;
3. Temporary construction and emergency lighting;
4. Seasonal lighting displays related to cultural or religious celebrations; and
5. Low intensity string lights.

D. **Administrative Adjustments.**

1. The Director may approve an Administrative Adjustment to allow deviations from the standards in this subsection. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and ~~find that one of the following additional findings:~~

a. ~~The modification to the lighting standard is necessary for public safety or security purposes; or~~

a.b. ~~The modification allows for creative accent lighting of building and/or site features visible from public vantage points, and the lighting has been designed to minimize light pollution.~~

E. **Nonconformities.** Properties nonconforming to this subsection must be brought into conformance when required by 155.424.030 (Nonconforming Site Features). This standard does not apply to single-family uses or interior remodels with no exterior changes to the structure.

F. **Fixture Types.** All lighting fixtures must be shielded or recessed so the lighting source is not directed toward other structures, ~~wildlife habitat~~, adjoining properties, or the public right-of-way. All fixtures must meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant") and the California Green Building Standards Code.

G. **Light Trespass.**

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1. Lights must be directed downward and away from adjacent lots and nearby wildlife habitat to minimize illumination of adjacent properties, nearby wildlife habitat, and the public right-of-way to the maximum extent possible.
2. Direct or sky-reflected glare from floodlights may not be directed into an adjacent property or the public right-of-way.
3. No lighting may produce an illumination level greater than one foot-candle on any adjacent residential property.

H. Prohibited Lighting. The following types of exterior lighting are prohibited:

1. Bare bulbs without fixtures or hoods;
2. Mercury vapor lights; and
3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

I. Parking Lot Lighting. See 155.324.060.I (Lighting).

J. Residential Zoning Districts.

1. Light fixtures in any residential zoning district may not exceed a height of 16 feet. Motion sensor lights, light fixtures used to light upper floor decks and balconies, and exterior stairs leading to upper floors, must be directed downward and away from adjoining properties and the right-of-way, and may exceed the 16-foot height limitation.
2. Multi-family residential development with more than four units must provide lighting along all on-site vehicular access ways and pedestrian walkways.
3. Lighting of at least one-foot candle must be provided within all covered and enclosed parking areas serving multi-family uses.

Section 23.

Title XV, Chapter 155, Section 155.308.070 is hereby amended to read as follows:

155.308.070 – Solid Waste/Recyclable Material Storage

- A. Purpose.** This subsection establishes standards for ~~newly created~~ solid waste and recyclable material collection and storage areas.
- B. Applicability.** The standards in this subsection apply to all multi-family residential and non-residential uses.
- C. Exceptions.**
 4. Uses that do not store solid waste/recyclable materials outdoors.

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5. Structures with an existing site coverage of 100 percent.

D. Nonconformities. Uses nonconforming to the standards in 155.308.070.E (Standards) must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).

E. Standards.

1. **Location.** Collection and storage areas may not be ~~street-facing or~~ located in a required parking space or landscape area, and must be located as far back from the front and exterior side lot lines as feasible.
2. **Screening.** All outdoor collection and storage areas must be screened from view from any parking lot, street, or adjoining residential ~~property zoning district, residential use, or commercial business~~ by a fence or enclosure, compatible with adjacent architecture, with a minimum height of five feet for carts/cans, and seven feet for dumpsters.

Section 24.

Title XV, Chapter 155, Section 155.312.020 is hereby amended to read as follows:

155.312.020 – Applicability

A. When Required. This section applies to the following new development:

1. ~~Residential Zoning Districts:~~ All new primary buildings in the R2 and R3 zoning districts and all new non-residential primary buildings in the R1 zoning district.
2. ~~Mixed Use Zoning Districts:~~ All new primary buildings in the DT, DW, HC, SC, WA, NC, and OR zoning districts.
- 2-3. Additions adding 30 percent or more floor area to the total existing floor area of a primary building in the R2 or R3 zoning districts, a primary building in a mixed use zoning district, or a non-residential primary building in the R1 zoning district.

B. Exempt Projects. Projects exempt from this section include the following:

1. Single-family homes, including accessory dwelling units and other structures accessory to a single-family home.
2. Hospitals, medical offices and clinics, other health care-related uses~~Development~~ in the Hospital Medical (HM) zoning district.
3. Public infrastructure and public utility uses in any zoning district.

C. Street-Facing. The standards in this section apply to all exterior street-facing portions of a building.

D. Equivalent Degree.

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1. For buildings located on sites with multiple street frontages, such as buildings on corner or double frontage lots, each side of the building facing a street must feature:
 - a. An equivalent quality of materials; and
 - b. An equivalent degree and quality of detailing.
2. For example, on a corner lot, the quality and design detail of windows on the side of the building that faces the side street must be comparable to windows on the front building wall.

Section 25.

Title XV Chapter 155, Section 155.312.040, Division B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.312.040 – Building Entries

B. Multiple Independent Entries. On lots where units/tenant spaces have independent entrances, all ground floor units/tenant spaces with street frontage must have an entrance that faces the street. If any wall of a ground floor units/tenant space faces the street, the units/tenant space must comply with this requirement. For units/tenant spaces that do not front the street, entrances may face the interior of the lot. See Figure 312-2.

Section 26.

Title XV Chapter 155, Section 155.312.060, Division B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.312.060 – Blank Walls

B. Breaks in Blank Walls

1. A break in a blank building wall may be provided by any of the following:
 - a. Doors, windows, or other building openings.
 - b. Building projections or recesses, doorway and window trim, or other details that provide architectural articulation and design interest.
 - c. Varying wall planes where the wall plane projects or is recessed at least six inches.
 - d. Non-fabric awnings, canopies or arcades.
 - e. Substantial variations in building material. For example, adding brick or stone veneer to a stucco building or changing from vertically-oriented board and baton style siding to horizontally-oriented lap siding.

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- f. A living wall as defined in 155.312.050.
- 2. The following do not qualify as a break in blank wall:
 - a. Variation in exterior building wall color.
 - b. Vegetation or landscaping.
 - c. Mechanical appurtenances such as water heaters, vents, or utility meters.
 - d. Gutters.
 - e. Signage.
 - d-f. Murals.

Figure 312-4: Blank Walls



Section 27.

Title XV Chapter 155 is amended to add Section 155.312.080 as follows:

155.312.080 – Mechanical Equipment

Roof- and ground-mounted mechanical equipment shall be screened from view from public rights-of-way through the use of landscaping, building design and/or other types of screening. Examples of screening include parapet walls for roof-mounted equipment, and hedge planting for ground-mounted equipment. The use of barbed wire, chain-link, or razor wire for screening is not permitted.

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Section 28.

Title XV, Chapter 155, Section 155.316 (Accessory Dwelling Units) is hereby amended to read as follows:

155.316 – Accessory Dwelling Units

155.316.010 – Purpose

This section establishes standards for accessory dwelling units in conformance with Government Code Section 65852.2 and Junior Accessory Dwelling Units in conformance with Government Code Section 65852.22. These standards are intended to allow for accessory dwelling units as an important form of affordable housing, while preserving the character and integrity of Eureka’s residential uses and neighborhoods. See 155.304.130 (Tiny Houses on Wheels) for regulations to use a Tiny House on Wheels as an Accessory Dwelling Unit.

155.316.020 – Permits Required

- A. Zoning Clearance.** Accessory dwelling units consistent with the requirements of this section are allowed by-right with a Zoning Clearance.
- B. Time Limit to Act.** The City shall complete its review of an accessory dwelling unit application requiring a Zoning Clearance and approve or deny the application within 45 days after receiving the application.

155.316.030 – Where Allowed

An accessory dwelling unit is permitted on any lot where single- or multi-family dwellings are a permitted use.

155.316.040 – Number of Accessory Dwelling Units

A. Single Family Dwelling.

- 1. On a lot with an existing or proposed single-family dwelling, the following maximum number of accessory dwelling units are allowed:
 - a. One attached or detached accessory dwelling unit; and
 - b. One junior accessory dwelling unit pursuant to Government Code 65852.22.

B. Multi-family Dwelling.

- 1. On a lot with an existing or proposed multi-family dwelling, the following maximum number of accessory dwelling units are allowed:
 - a. Not more than two detached accessory dwelling units; and

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- b. One or more accessory dwelling units, within a portion of the existing structure that is not used as habitable space. For example, existing garage, storage room, boiler room, passageway, attic, or basement areas that are not used as habitable space may be converted to an accessory dwelling unit.

155.316.050 – Accessory Dwelling Units as Short-term Rentals

An accessory dwelling unit or junior accessory dwelling unit in a residential or mixed-use zoning district may not be converted to, or utilized as, a short-term, transient, vacation rental or commercial lodging if the accessory dwelling unit or junior accessory dwelling unit was granted a certificate of occupancy after January 1, 2020.

155.316.060 – Site and Design Standards

A. General Standards.

1. Accessory dwelling units are not included in density calculations, are considered residential uses, and may count as a dwelling unit for purposes of identifying adequate sites for housing.
2. Accessory dwelling units may be rented, but not sold, except as provided by California Government Code 65852.26.
3. Accessory dwelling units must comply with the state building standards for dwellings as determined by the Building Official.
4. The floor area of an accessory dwelling unit (either attached or detached) may not be less than the floor area required for an efficiency dwelling unit.

B. Height, FAR, and Site Coverage.

1. Accessory dwelling units are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district.
2. ~~Provided an accessory dwelling unit complies with the height and accessory dwelling unit setback standards for the zoning district in which it is located,~~ FAR and site coverage standards do not apply to the accessory dwelling unit.

C. Relationship to Residential Structures.

1. An accessory dwelling unit may be within, attached to, or detached from a single- or multi-family residential structure.
- 3-2. A junior accessory dwelling unit must be contained entirely within an existing or proposed single-family residence. For purposes of this standard, enclosed uses within the residence, such as attached garages, are considered a part of the residence.

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~~4.3.~~ An accessory dwelling unit or junior accessory dwelling unit must have kitchen and bathroom facilities that are separate from the primary dwelling, except as allowed by Paragraph ~~(43)~~ of this division.

~~5.4.~~ A junior accessory dwelling unit may have an efficiency kitchen as defined in Government Code Section 65852.22 (a) (6). Bathroom facilities, but not the efficiency kitchen, may be shared with the primary dwelling. If the bathroom is shared with the primary dwelling, the junior accessory dwelling unit must have an interior entry to the primary dwelling's main living area.

D. Maximum Unit Size.

1. **Junior Accessory Dwelling Unit.** The floor area of a junior accessory dwelling unit may not exceed ~~the maximum allowed by Government Code Section 65852.22~~ 500 square feet in size. See 155.112.050.B (Floor Area Calculation for Junior Accessory Dwelling Unit) for rules of measurement.

2. **Accessory Dwelling Unit.**

a. Conversion of e~~Existing accessory space or structure 1,050 square feet or less.~~ When an existing ~~accessory space or~~ structure with a floor area 1,050 square feet or less is converted to an accessory dwelling unit, the floor area may be increased up to a maximum of 1,200 square feet.

b. Existing Conversion of existing accessory space or structure greater than 1,050 square feet. The physical dimensions of an existing ~~accessory space or~~ structure with a floor area greater than 1,050 square feet may be increased by not more than 150 square feet, but only for the purpose of providing ingress or egress.

c. **New construction.** The floor area of a new accessory dwelling unit (either attached or detached) may not exceed 1,200 square feet. The floor area calculation for accessory dwelling units does not include covered parking.

E. **Existing Home Designated as Accessory Unit.** If a lot contains an existing single-family home less than 1,200 square feet in size, the existing home may be designated as an accessory dwelling unit as part of a project to construct a new single-family home on the lot.

F. Setbacks.

1. **Residential Zones.** Accessory dwelling units are subject to setbacks as provided in 155.204 Tables ~~204-2, 204-2.1, 204-2.2~~ and ~~Table~~ 204-3.

2. **Mixed Use Zones.** Accessory dwelling units are subject to the setbacks as provided in 155.208 Table 208-2.

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3. **Second Floor or Conversion.** No additional setbacks are required for an existing structure that is converted to an accessory dwelling unit, ~~or for~~ an accessory dwelling unit constructed above an existing structure, or an accessory dwelling unit constructed in the same location and to the same dimensions as an existing structure.

~~3.4. **Front Setback Waiver.** A requirement for a front setback must be waived if the front setback requirement precludes the construction of a new-construction accessory dwelling unit 800 square feet or smaller in size with minimum four-foot side and rear yard setbacks.~~

G. Parking.

1. On-site parking is not required for accessory dwelling units.
2. When an existing covered parking space is eliminated in conjunction with the creation of an accessory dwelling unit, replacement parking is not required for the eliminated parking space.

H. Historic Review.

New construction ~~of an accessory dwelling unit, or~~ exterior alterations or additions ~~to~~ add for an accessory dwelling unit ~~to an existing structure~~ on a property listed on the Local Register of Historic Places shall comply with Eureka Municipal Code Chapter 157, except the following types of accessory dwelling units are exempt from Historic Preservation Review:

1. A new-construction, detached accessory dwelling unit not located between a historic building and the street.
2. The conversion of an existing interior space or structure to an accessory dwelling unit where no exterior alterations are proposed (interior construction only).
- ~~1.3. A new-construction attached accessory dwelling unit that is not visible from the sidewalk, alley or street because it is blocked from view by permanent structures.~~

I. Nonconformities.

New construction, exterior alterations or additions for an accessory dwelling unit are not subject to ~~the provisions required by 155.424.030.B (Nonconformities) Required Compliance), and do not trigger the need to bring legally established nonconforming site features, buildings, signs, uses and lots into compliance.~~

J. Additional Junior Accessory Dwelling Unit Requirements.

1. The owner of the property must reside in either the remaining portion of the single-family residence or the junior accessory dwelling unit, except if the owner is a governmental agency, land trust or housing organization.

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2. A deed restriction must be filed including a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, and restricting the size and attributes of the junior accessory dwelling unit in conformance with Government Code Section 65852.22.

155.316.070 – Interpretation

If any portion of 155.316 conflicts with Government Code Sections 65852.2 or 65852.22, or other applicable state law, state law shall supersede this section. Any ambiguities in this section shall be interpreted to be consistent with state law.

Section 29.

Title XV, Chapter 155, Section 155.320.040, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

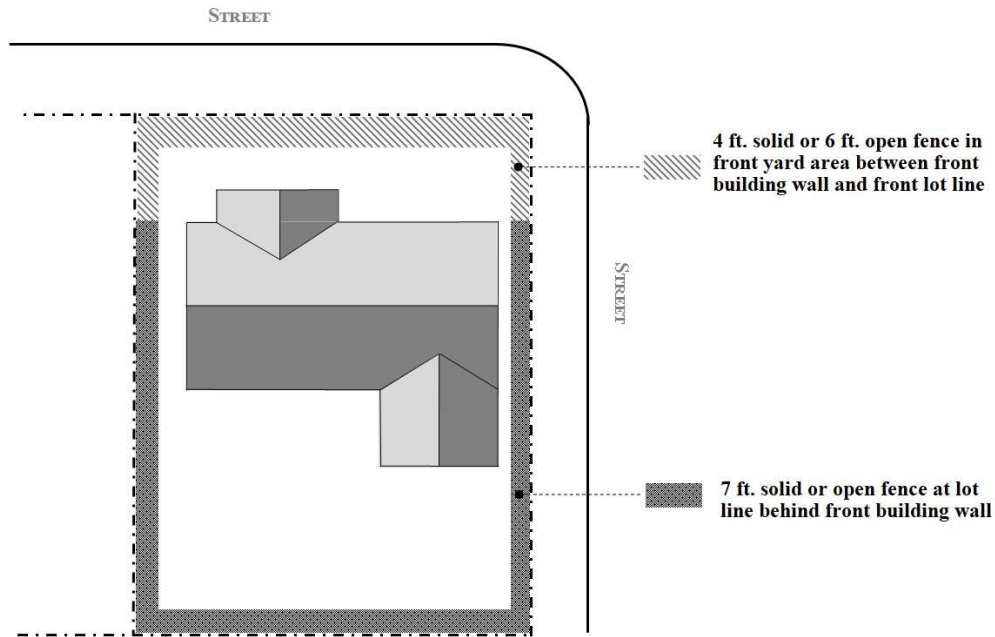
155.320.040 – Maximum Height

A. Maximum Height. Fences and walls may not exceed the maximum height shown in Table 320-1 and Figure 320-3.

Table 320-1: Allowed Fence Height

	Maximum Height [1] [3]	
	Solid Fence	Open Fence [2]
Residential Zones		
Front yard area between front building wall and front lot line	4 ft [3]	6 ft.
All other areas on lot	7 ft.	7 ft.
Mixed Use Zones - Any location on lot	8 ft. [4]	8 ft.
Industrial, Public Facilities, and Resource Related Zones - Any location on lot	12 ft.	12 ft.
Notes: [1] Fences exceeding 7 feet require a Building Permit and engineered plans. [2] Open fences must utilize decorative masonry, ornamental steel or wrought iron, <u>aluminum</u> , brick, stone, or wood, -and be at least 70 percent open to the passage of light and air. Chain link and other woven wire fence materials smaller than 6 gauge are not allowed within minimum required front and street side setbacks in the residential zoning districts and are not allowed between a building and the street in the <u>residential and</u> mixed-use zoning districts. [3] See 155.308.040 (Vision Clearance Area) for height limitations at street intersections and when adjacent to driveways and alleys. [4] Solid fences taller than 3' (36") are not allowed between a building and the street in a mixed-use zone district.		

Figure 320-3: Allowed Fence Height – Residential Zoning Districts



Section 30.

Title XV Chapter 155, Section 155.320.050 is hereby amended to read as follows:

155.320.050 – Materials

Table 320-2 identifies prohibited fence materials.

Table 320-2: Prohibited Fence Material

Fence Material	Where Prohibited
Barbed wire	All zoning districts except for industrial and resource-related zoning districts
Razor or concertina wire	All zoning districts, except when protecting critical infrastructure as determined by the Public Works Director
Electrified fence	All zoning districts except for resource-related zoning districts
Chain link and other woven wire fencing smaller than 6 gauge	Within minimum required front and street side setbacks in the residential and bB between a building and the street in residential and mixed-use zoning districts

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Fence Material	Where Prohibited
Nails, broken glass, or other similar hazardous objects on the top of fence or wall	All zoning districts

Section 31.

Title XV, Chapter 155, Section 155.320.060 is hereby amended to read as follows:

155.320.060 – Nonconforming Fences and Walls

Existing fences and walls that do not comply with this section may remain and may be repaired and modified in accordance with 155.424.030.~~D-E~~ (Repairs and Modifications). When an existing fence or wall conflicts with 155.308.040 (Vision Clearance Area), the conflict must be corrected when compliance with Vision Clearance Area standards is triggered by 155.424.030.B (Required Compliance).

Section 32.

Title XV, Chapter 155, Section 155.324.020, Division B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.020 – Applicability

B. Residential Use Exemptions. The following residential uses are exempt from on-site parking requirements:

1. Accessory dwelling units.
2. New residential units 500 square feet or less, regardless of the size of the overall structure.
3. New residential units that are deed restricted to households earning 80 percent or less of the Humboldt County area median income, including one, on-site, deed restricted or market rate, manager's unit.
4. New construction or conversion of existing non-residential space to create eight or fewer residential units in the Downtown (DT), Downtown West (DW), and Hinge Industrial (HN) zoning districts. Where nine or more new units are created, parking must be provided only for the units in excess of eight. This parking exemption applies to exempt units in perpetuity regardless of future development on the site.
5. New construction or conversion of existing non-residential space to create four or fewer residential units in the Henderson Center (HC), Neighborhood Commercial (NC), Wabash Avenue (WA), Office Residential (OR), Hospital Medical (HM), and Service Commercial (SC) zoning districts. Where five or more new units are created, parking must be provided only for

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the units in excess of four. This parking exemption applies to exempt units in perpetuity regardless of future development on the site.

6. Division of an existing residential unit to create one or more additional residential units.
7. Conversion of existing covered parking to create one or more additional residential units. When a covered parking space is eliminated to create an additional residential unit, replacement parking is not required for the eliminated parking space.
8. New second residential units in the RE and R1 zoning districts created pursuant to California Government Code 65852.21, and new residential units created as a result of an R1 urban lot split subdivision pursuant to California Government Code 66411.7.
- 8-9. Residential units on a lot with a dedicated pedestrian access in lieu of vehicular access pursuant to 155.308.010.C.1.b.

Section 33.

Title XV, Chapter 155, Section 155.324.040, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.040 – Reductions and Alternatives to Automobile Parking

C. Available Reductions. The following allow for the reduction of required on-site parking spaces:

1. **Transit Proximity.** For projects in proximity to an active public transit bus stop ~~where the average interval of time between buses is 90 minutes or less (90-minute headways) during weekday daytime hours~~, required on-site parking may be reduced as shown in Table 324-2. Public transit bus stops exclude school bus stops.

Table 324-2: Transit Proximity Parking Reduction

Proximity to Bus Stop	Allowed Parking Reduction
600 feet	30 percent
900 feet	20 percent
1,200 feet	10 percent

2. **Bus Pass.**
 - a. On-site parking is not required for a multi-family rental unit within 900 feet of a public transit stop if the lease agreement includes a complementary bus pass for use by the resident, paid for by the property owner during the entire duration of the rental.

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- b. The Department will authorize this reduction only after the property owner or the property owner's authorized representative has submitted to the Department a signed agreement in a form approved by the City Attorney guaranteeing that the complementary bus pass will be provided as required for the parking reductions.
3. **Bicycle Facility Proximity.** Required on-site parking may be reduced by up to 30 percent for projects located within 300 feet of an existing designated Class I or Class II bicycle facility as shown in General Plan Figure M-2.
4. **Carpool Spaces.** For non-residential uses, two automobile parking spaces may be exchanged for one carpool parking space. The carpool parking space must be designated as such with signage and/or space markings.
5. **Electric Vehicle Charging Stations.** Two required parking spaces may be exchanged for one space served by an electric vehicle charging station. To receive reduction, electric vehicle charging stations must be in excess of the minimum number of charging stations required by 155.324.050.C (Electric Vehicle Charging).
6. **Loss of On-Street Parking.** If providing new on-site parking requires a new curb cut through an existing sidewalk and thereby eliminates an on-street parking space, the on-site parking is required only if the new on-site parking provides at least two more spaces than the number of lost on-street spaces. For example, if a new parking lot eliminates one on-street parallel parking space, new off-street parking is required only if it contains at least three spaces.
7. **Required Disabled and Electric Vehicle Spaces.** Replacement parking spaces are not required if retrofitting a required accessible parking space or installing a required electric vehicle charging station eliminates one or more required parking spaces (e.g., to accommodate accessible loading area).
8. **Bicycle and Motorcycle Spaces.**
 - a. Bicycle or motorcycle parking may replace up to two required automobile spaces or 10 percent of the required number of on-site automobile parking spaces, whichever is less.
 - b. Each automobile parking space must be replaced by space for at least 6 bicycles or 4 motorcycles. Bicycle parking spaces must comply with development standards in 155.324.070 (Bicycle Parking).
 - c. Bicycle spaces replacing an automobile space must be in addition to the minimum bicycle parking spaces required by 155.324.070 (Bicycle Parking).
9. **In-Lieu Fees.** Parking requirements may be satisfied through the payment of in-lieu fees consistent with any in-lieu parking fee program established by the City Council.
10. **On-site Shared Parking.**

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- a. Shared parking is the practice of allowing land uses with different peak and off-peak parking demand schedules to share required on-site parking spaces.
- b. Shared parking is allowed with an Administrative Adjustment for uses on a single lot, on adjacent lots, and on lots within 100 feet of one another.
- c. An applicant requesting shared parking must submit a parking demand study justifying the shared parking. The study must be prepared by a qualified transportation planning consultant or consist of materials that provide satisfactory evidence as determined by the Director.
- d. The total number of parking spaces in a shared parking arrangement must be equal to or greater than the number of spaces ordinarily required for any one of the participating uses.
- e. To approve an Administrative Adjustment for shared parking, the Director must make the findings in 155.412.030.F (Findings for Approval).
- f. The Director may require that additional documents, covenants, deed restrictions or other agreements are executed to ensure that:
 - (1) The required parking spaces are maintained for the duration of the uses served; and
 - (2) Uses with similar hours and parking requirements as those uses sharing the parking remain for the life of the building.

11. Off-site Parking.

- a. Required parking may be provided off-site ~~on a non-adjoining lot with an Administrative Adjustment~~ if the parking is located no more than 300 feet from the lot serving the use. ~~Required parking may be provided on an adjoining lot by right.~~ An Administrative Adjustment is required only if parking is to be provided on a non-adjoining lot.
- b. To approve an Administrative Adjustment for off-site parking at a non-adjoining lot, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that the off-site parking is located and designed in a manner that will conveniently meet the parking needs of the use that it serves.
- c. Prior to establishing ~~the off-site parking~~ any required parking off-site, a covenant record (“parking indenture”), approved by the City, must be filed with the County Recorder guaranteeing that off-site parking will be maintained exclusively for the use served for the duration of the use.

12. Low Demand.

- a. The number of required parking spaces may be reduced by up to 25 percent with an Administrative Adjustment for uses with unique operating characteristics that result in a

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lower parking demand than otherwise would be required.

- b. An applicant requesting reduced parking for a low demand use must submit evidence to the satisfaction of the Director that the use requires fewer parking spaces than otherwise required by 155.324.030 (Number of On-site Parking Spaces Required). Acceptable evidence may include parking surveys, sales receipts, and examples of comparable uses in Eureka or similar communities.
- c. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and the following additional findings:
 - (i) Evidence submitted by the applicant demonstrates that the use requires fewer parking spaces required by 155.324.030 (Number of On-Site Parking Spaces Required) for the use; and
 - (ii) The use will provide a sufficient amount of on-site parking to accommodate its expected parking demand.

13. Low Impact Development.

- a. Required parking spaces may be reduced by up to 15 percent, not to exceed four spaces, with an Administrative Adjustment in cases where the parking requirement conflicts with the City's storm water system (MS4) permit requirements.
- b. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that providing all of the on-site parking while complying with the City's storm water system (MS4) permit requirements is not possible due to physical site constraints.

14. Infill Incentive Permit Reductions. Required parking spaces may also be reduced through an Infill Incentive Permit. See Table 412-~~1~~2 in 155.412.060 (Infill Incentive Permits).

Section 34.

Title XV Chapter 155, Section 155.324.050, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.050 – General Requirements

C. Electric Vehicle Charging.

- 1. **Number of Charging Stations.** The number of required parking spaces with an electric vehicle charging station is as required by the Building Code.
 - a. Two required parking spaces may be exchanged for one space served by an electric vehicle charging station as allowed by 155.324.040.C.5 (Electric Vehicle Charging Stations).

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~~2. Charging Stations Required. Electric vehicle charging stations must be provided:~~

- ~~a. For new structures or uses required to provide at least 25 parking spaces before any allowed reductions; and~~
- ~~b. For lots with 50 or more existing parking spaces, when a project increases the required number of parking spaces by 10 percent or more.~~

~~3.2. Signage.~~ Signage must designate spaces with required electric vehicle charging stations as available only for electronic vehicle parking. Signage is required only for electric vehicle changing stations required by this division.

Section 35.

Title XV, Chapter 155, Section 155.324.060, Division B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.060 - Parking Design and Development Standards

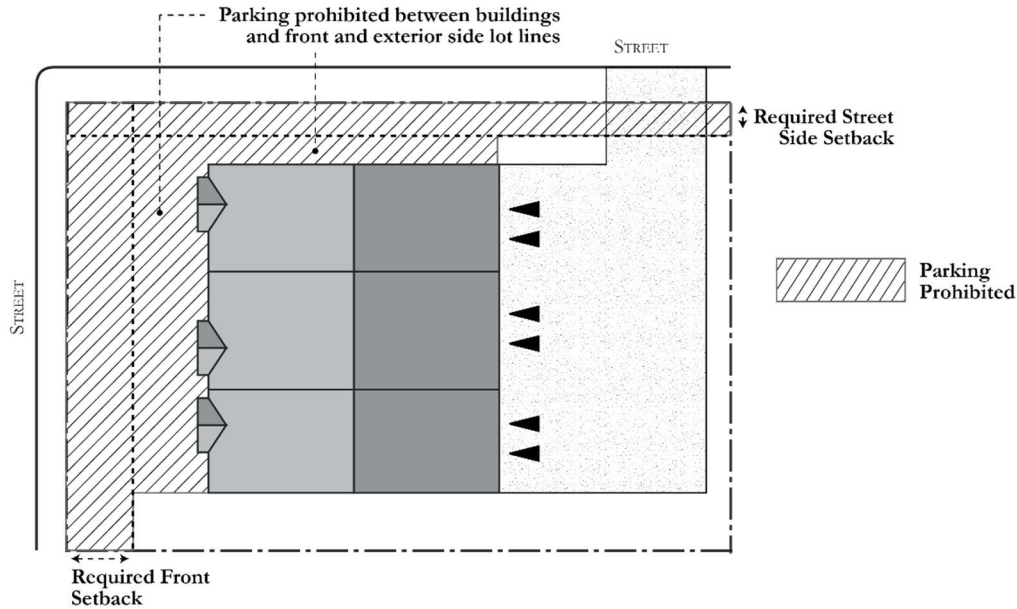
B. Parking Placement on Site.

1. **Applicability.** The parking placement requirements in this division apply only to new development and the parking areas that serve them.
2. **Multi-Family Dwellings.** Surface parking spaces and carports for a multi-family dwelling may not be located between a primary building and a front or exterior side property line. See Figure 324-2.

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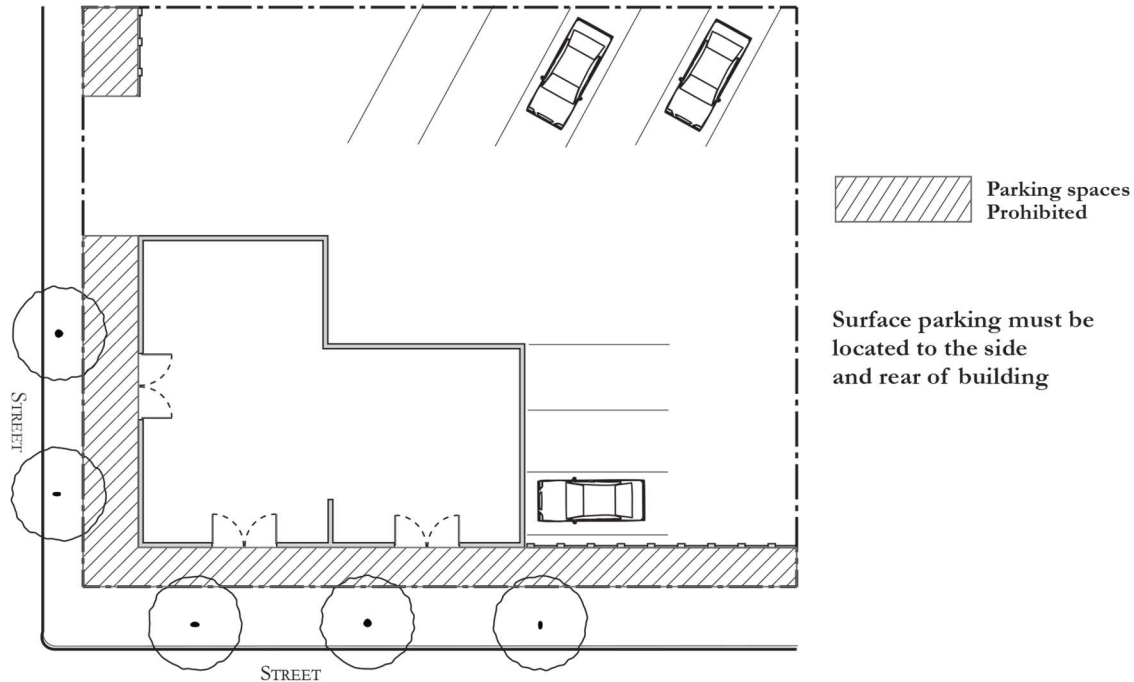
Figure 324-2: Multi-Family Residential Parking Location



3. **DT, DW, NC, HC, OR, SC Zoning Districts.**

- a. Surface parking spaces and carports may not be located between a building and a front or exterior side lot line. Parking must be located to the rear or side of buildings. Corner surface parking lots and carports are prohibited. See Figure 324-3.

Figure 324-3: Mixed Use District Parking



- 4. Modification to Parking Placement Standard.** The Director may approve modifications to the parking placement standards in this section with an Administrative Adjustment. To approve the Administrative Adjustment, the Director must make the findings in 155.412.030.F (Findings for Approval) and find that complying with the parking placement standards is infeasible due to unique physical site conditions such as parcel shape, topography, or traffic-related public safety risks.

Section 36.

Title XV Chapter 155, Section 155.324.060, Division E, Paragraphs 1-3 are hereby amended to read as follows (*the remainder of the section, including Figure 324-4, is unchanged and is omitted*):

155.324.060 – Parking Design and Development Standards

E. Parking Space and Lot Dimensions.

- 1. ~~Single-family Homes~~ Parking Areas with Three or Fewer Spaces.** For parking areas with one to three parking spaces, Parking spaces serving single-family homes must have the following minimum dimensions:
 - Uncovered parking space: eight feet six inches in width by 18 feet in length.

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- b. Uncovered parking space parallel to an alley: eight feet six inches in width by 20 feet in length.
 - c. Covered parking space in a garage or carport: 10 feet in width by 18 feet in length.
 - d. The width of a carport space may be reduced to eight feet six inches if one side is open without a solid wall or physical barrier obstructing a car door.
2. **Parking Lots with Four or More Spaces**. For parking lots with four or more spaces, pParking spaces, drive aisles, and other parking lot features must comply with minimum dimensions shown in Figure 324-4.
 3. **Compact Spaces**. Up to 50 percent of the required parking spaces in a parking lot may be compact spaces.

Section 37.

Title XV, Chapter 155, Section 155.324.070, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.070 – Bicycle Parking

C. Types of Bicycle Parking.

1. **Short-Term Bicycle Parking**. Short-term bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.
2. **Long-Term Parking**. Long-term bicycle parking provides residents and employees who live or work at a site a secure and weather-protected place to park and store bicycles. Long-term parking may be located in garages or other limited access areas for exclusive use by tenants, residents, and/or employees. Long-term parking may not be located within an area of a dwelling unit primarily intended to serve a different function (e.g., clothes closet or bathroom).

Section 38.

Title XV, Chapter 155, Section 155.324.080, Division D is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.324.080 – Parking Lot Landscaping

D. Perimeter Parking Lot Landscaping.

1. **Adjacent to Streets**.
 - a. Parking areas adjacent to a street must include a landscaped planting strip between the street and parking area at least four feet wide with at least 50 percent of the plant material attaining a minimum plant height at maturity of 36 inches. See 155.324.060.K

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(Screening) for when a low-profile wall or fence is required along the perimeter of a parking lot in addition to landscaping.

- b. Plantings and screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the Director to meet the intent of this requirement.
 - c. Trees must be provided within the planting strip at a rate of at least one tree for each 30 feet of street frontage with a minimum distance of not more than 60 feet between each tree. Tree species must reach a mature height of at least 20 feet. Planting strip tree requirements are in addition to required interior parking lot trees.
 - d. Landscaping must comply with intersection and driveway vision clearance requirements in 155.308.040 (Vision Clearance Area).
2. **Stormwater Runoff.** When required, parking lot drainage plans will be reviewed by the Public Works Director and must comply with all applicable Low Impact Development (LID) standards.

Section 39.

Title XV, Chapter 155, Section 155.328.020 is hereby amended to read as follows:

155.328.020 – Applicability

A. General. Except for projects exempted under 155.328.020.B (Exemptions), the requirements in this section apply to projects that:

1. Construct a new building of 500 square feet or more;
2. Add 1,000 square feet or more to an existing building; or
3. Add a multi-family dwelling unit to the site.

~~**B. Exemptions.** This section does not apply to: single-family homes in any zoning district;~~

~~**C. Buildings in mixed-use zoning districts constructed on a front or exterior side lot line without any setback; and**~~

~~**D. B. Development in an industrial zoning district.**~~

~~**E. C. Nonconformities.** Properties nonconforming to the standards in 155.328.040 (Required Landscape Areas) and 155.328.050 (General Landscape Requirements) must be brought into conformance when required by 155.424.030 (Nonconforming Site Features).~~

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Section 40.

Title XV Chapter 155, Section 155.328.030, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.328.030 – Landscape Plans

C. Review and Approval.

1. For projects that do not require ~~a discretionary permit~~Design Review, the Department will review all landscape plans to verify compliance with this section as part of the Zoning Clearance approval.
2. For projects that require ~~a discretionary permit~~Design Review, the review authority responsible for approving ~~the discretionary permit~~Design Review must also approve the landscape plan.

Section 41.

Title XV, Chapter 155, Section 155.328.040, Division B, Paragraph 1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.328.040 – Required Landscape Areas

B. Residential Zoning Districts.

1. The following areas, excluding areas required for access to the property, must be landscaped and maintained:
 - a. All required front and street side setback areas;
 - b. All areas between a building and a front or exterior side ~~the~~ lot line; and
 - c. Any area between the front or exterior side lot lines and the sidewalk or edge of street curb. See Figure 328-1.

Section 42.

Title XV, Chapter 155, Section 155.328.040, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

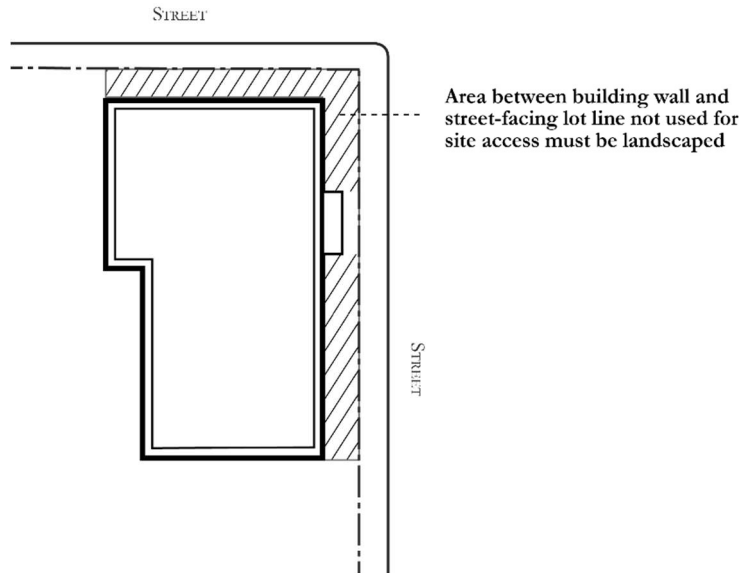
155.328.040 – Required Landscape Areas

- C. Mixed-Use Zoning Districts.** In mixed-use zoning districts, all areas between a building and a front or exterior side lot line and all areas between the front or exterior side lot lines and the sidewalk or edge of street curb must be landscaped, excluding areas required for access to the property. See Figure 328-2.

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FIGURE 328-2: REQUIRED LANDSCAPE AREA IN MIXED USE DISTRICTS



Section 43.

Title XV, Chapter 155, Section 155.328.050, Division E is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.328.050 – General Landscape Requirements

E. Invasive Plants. Planting species with a “High” rating in the California Invasive Plant Council’s Cal-IPC inventory of invasive plants ~~is~~are prohibited.

Section 44.

Title XV, Chapter 155, Section 155.332.030, Division D is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.332.030 – Conservation Subdivisions

D. Development Standards.

1. Lot Size.

- a. There is no minimum lot size within a conservation subdivision, provided the overall density of the subdivision does not exceed the maximum density of the applicable zoning district.

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- b. Project density is calculated using the number of homes, not the number of lots, and includes all open space areas. See Figure 332-5.

2. **Setbacks.**

- a. There are no minimum setbacks from lot lines within a conservation subdivision that do not abut a property outside of the conservation subdivision. See Figure 332-5.
- b. The applicable zoning district will govern setbacks from lot lines that abut a property outside of the conservation subdivision.

3. **Height.** Buildings within a conservation subdivision may not exceed a maximum height of 35 feet.

4. **Site Coverage.** ~~Table 332-1 identifies the~~ There is no maximum site coverage for individual lots within a conservation subdivision.

5. **Floor Area Ratio.** The maximum floor area ratio in a conservation subdivision is as required by Table 204-2 in 155.204 (Residential Zoning Districts).

Table 332-1: Maximum Site Coverage

Lot Size	Maximum Site Coverage	
	RE	R1
Less than 3,000 sq. ft.	75%	90%
3,000 – 4,000 sq. ft.	70%	80%
4,000 – 5,000 sq. ft.	65%	70%
5,000 – 6,000 sq. ft.	60%	60%
6,000 – 7,000 sq. ft.	55%	60%
7,000 – 8,000 sq. ft.	50%	60%
8,000 – 9,000 sq. ft.	45%	60%
9,000 – 10,000 sq. ft.	40%	60%
Over 10,000 sq. ft.	35%	60%

Section 45.

Title XV, Chapter 155, Section 155.340.030, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.030 – Signs Allowed Without Permits

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A. Types of Signs. The following signs are exempt from the permit requirements of this section and are not counted towards the allowable sign area or number of signs:

1. **Address and Nameplate Signs.** Street, apartment, unit, suite numbers, and nameplates, not greater than four inches in height for residential uses, and not greater than six inches in height for commercial uses.
2. **Commemorative Plaques.** One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material. Commemorative plaques may not be illuminated.
3. **Decorations.** Holiday and cultural observance decorations on private property which do not include any commercial advertising.

4. **Sandwich Board Signs on Private Property.** Non-digital sandwich board signs on private property, not to exceed a vertical or horizontal dimension of four feet.

- a. Sandwich board signs within the public right of way must comply with the requirement of 155.340.070.F (Sandwich Board Signs).

4.5. **Directional Signs.** On-site directional signs located entirely on the property to which they pertain, identifying direction to parking, restrooms, and similar public facilities, each not exceeding five feet in height and five square feet in area for non-residential uses, and two square feet for residential uses.

5-6. **Directory Signs.** One directory sign per street frontage as follows:

- a. Maximum area: one square foot per tenant.
- b. Maximum height: six feet if freestanding.
- c. Internal illumination prohibited.

6-7. **Home Occupation.** One single, non-illuminated, wall-mounted outdoor sign of not more than two square feet in area.

7-8. **Vacation Rental.** Each lot containing a vacation rental use may display one single, non-illuminated, wall-mounted outdoor sign of not more than two square feet.

8-9. **Flags.** Flags bearing noncommercial messages or graphic symbols.

9-10. **Government Signs.** Signs installed or required by a governmental agency, including signs advertising community activities and local nonprofit, civic, or fraternal organizations.

10-11. **Informational Signs.** Signs with information for the safety and convenience of the public such as address, hours and days of operation, whether a business is open or closed, no smoking notices, up to three square feet per sign and 10 square feet in total. Excludes internally illuminated window signs.

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~~11-12.~~ **Internal Signs.** Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.

~~12-13.~~ **Window Signs.** Window signs consistent with Table 340-2 (Window Signs, Non-Illuminated) and Table 340-3 (Window Signs, Internally Illuminated). Signs may not move or appear to move, change intensity, color, or pattern at any time, and may not create a public nuisance or hazard due to glare or halo effect.

~~13-14.~~ **Equipment Signage.** Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including but not limited to telephone booths, restrooms, vending machines, automated teller machines, gasoline pumps, drive-thru restaurant menu boards, and other signs of an instructive nature.

~~14-15.~~ **No Trespassing Signs.** "No trespassing" signs, each not more than one square foot in size, placed at each corner and each entrance to a property, and at intervals of not less than 100 feet, or in compliance with the requirements of state or federal law.

~~15-16.~~ **Non-Commercial Bulletin Boards.** One bulletin board on a parcel occupied by a non-commercial place of public assembly, with a maximum area of 12 square feet.

~~16-17.~~ **Real Estate Listings.** Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.

~~17-18.~~ **Restaurant Menu Signs.** Restaurant menu signs attached to a building.

~~18-19.~~ **Service Station Fuel Price Signs.** ~~Service station Fuel~~ price signs as required by State law. (See Business & Professions Code Section 13530). ~~Service station Fuel price~~ signs may include digital displays; however, the digital display may change no more than once a day. Digital displays must comply with brightness limitations in Table 340-9 (Digital Signs).

~~19-20.~~ **Temporary Signs.** Temporary signs consistent with 155.340.090 (Temporary Signs).

Section 46.

Title XV, Chapter 155, Section 155.340.040, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.040 – Prohibited Signs

A. Prohibited Sign Types. The following types of signs are prohibited:

1. Banner signs, feather banners, yard signs, and inflatable balloon signs, except when used as a temporary sign consistent with 155.340.090 (Temporary Signs).
2. Beacon signs and searchlights.
3. Human directional and advertising signs.

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4. New off-premise signs established after June 20, 2019.
5. Ticker signs.
6. Digital signs, except when allowed consistent with Table 340-9 in 155.340.070 (Sign Standards).

Section 47.

Title XV, Chapter 155, Section 155.340.050, Division B, Paragraph 1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.050 – Rules of Measurement

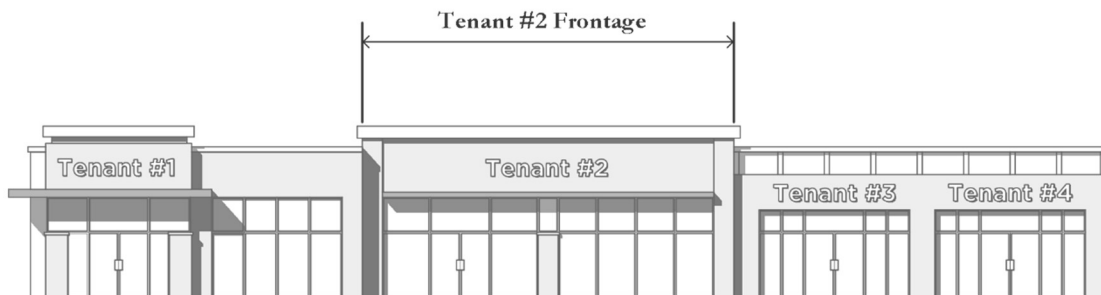
B. Tenant Frontage.

1. General.

- a. Tenant frontage is the linear measurement of a tenant's building wall that abuts and faces a street, a tenant's building wall that abuts and faces a parking lot ~~that abuts a street~~, or a tenant's building wall that abuts and faces a pedestrian walkway or alley. See Figure 340-4.

~~b. Tenant frontage does not include building walls fronting an alley.~~

Figure 340-4: Tenant Frontage



Section 48.

Title XV, Chapter 155, Section 155.340.060 is hereby amended to read as follows:

155.340.060 – Sign Permits

- A. **Types of Sign Permits.** The Zoning Code establishes three types of Sign Permits: Administrative Sign Permits, Master Sign Permits, and Creative Sign Permits.

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1. An Administrative Sign Permit is a ministerial approval by the Department to confirm that a proposed sign complies with all applicable standards.
2. A Master Sign Permit is a discretionary permit reviewed by the Design Review Committee to allow for comprehensive and coordinated signs on large, complex, non-residential multi-tenant sites and to allow some deviation from sign standards where appropriate.
3. A Creative Sign Permit is a discretionary permit reviewed by the Design Review Committee to allow unique, high-quality signs that deviate from sign standards in this section.

B. Administrative Sign Permits.

1. **When Required.** All new signs require an Administrative Sign Permit except for:
 - a. Signs exempt from permit requirements as identified in 155.340.030 (Signs Allowed Without Permits);
 - b. Signs ~~proposed concurrently as part that~~ comply with the requirements of an approved Master Sign Permit ~~application~~ as identified in 155.340.060.C (Master Sign Permit); and
 - c. Signs that comply with the requirements of a n approved Creative Sign Permit as identified in 155.340.060.D (Creative Sign Permit).
2. **Permit Requirements.**
 - a. Administrative Sign Permit applications must be submitted using an official Department form accompanied by all fees, information, and materials required by the Department
 - b. Department staff will review the proposed sign to verify compliance with applicable standards. If the proposed sign complies with all applicable standards, the Department staff will approve the Administrative Sign Permit. No public notice or hearing is required.

C. Master Sign Permit.

1. **Purpose.** The purpose of the Master Sign Permit is to provide a coordinated approach to signage for large sites/buildings and non-residential multi-tenant developments, buildings, or adjacent/adjoining properties/parcels.
2. **When Allowed.** Any site greater than one acre, any site with tenant spaces above the first floor, or any non-residential development, building, or property with three or more tenants, may request approval of a Master Sign Permit.
3. **Review Authority.** The Design Review Committee reviews and takes action on Master Sign Permit applications.
4. **Application Submittal and Review.**
 - a. Master Sign Permit applications must be submitted and reviewed in compliance with

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155.408 (Permit Procedures).

- b. Master Sign Permit applications must be authorized by the property owner/agent.
5. **Master Sign Program.** All Master Sign Permit applications must include a proposed Master Sign Program that identifies the placement, size, materials, type, and general design of signs located on a site, including both existing and proposed signs.
6. **Design Standards.**
 - ~~a.~~ ~~A Master Sign Program may allow for variety in the design of individual signs.~~
 - ~~b.~~a. A Master Sign Program may not allow prohibited signs as identified in 155.340.040 (Prohibited Signs) or deviation from digital sign requirements in Table 340-9 (Digital Signs).
 - ~~e.~~b. A Master Sign Program ~~may allow deviation from the maximum size of signs through~~may allow transfers of maximum sign areas in 155.340.070 (Sign Standards) between tenants on a site. For example, on a site with ten tenants that each have 20-foot-wide frontages, each tenant would be allowed 20 square feet of pole signs. Through a standard Administrative Sign Permit, the area of each sign cannot be transferred from one tenant to another. However, through Design Review Committee approval of a Master Sign Permit, the collective total of 200 square feet of sign area for the entire site can be pooled and then re-allocated between tenants so that one tenant could have 101 square feet and the remaining tenants could each have 11 square feet of sign area.
 - ~~d.~~c. A Master Sign Program may allow deviation from the total number of signs permitted per site in 155.340.070 (Sign Standards). ~~In the example in Paragraph (c) above, the site would be limited to one pole sign.~~ ~~For example, one pole sign is limited to one pole sign.~~ 150 square feet or smaller per site with a standard Administrative Sign Permit. However, through a Master Sign Permit, the ~~example in Paragraph (c) above~~ site could have two or more pole signs totaling 150 square feet of signage if specifically allowed by the Master Sign Permit approval.
 - ~~e.~~ ~~A Master Sign Program may allow deviation from the maximum size of signs permitted in 155.340.070 (Sign Standards).~~
 - f.d. Deviation from any other requirement in this section is not allowed.
7. **Public Notice and Hearing.** The Design Review Committee will review and act on a Master Sign Permit application at a noticed public hearing in compliance with 155.408.080 (Notice of Public Hearing) and 155.408.10~~10~~ (Public Hearings).
8. **Findings for Approval.** To approve a Master Sign Permit, the Design Review Committee must make all of the following findings:

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- a. Allowed signs are consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council;
- b. The Master Sign Program features a unified and coordinated approach to the materials, size, type, placement, and general design of signs proposed for a project or property;
- c. If deviations from sign standards in 155.340.070 (Sign Standards) are proposed, the deviations are necessary to accommodate the unique signage needs of the site;
- d. Allowed signs comply with all applicable standards in this section, unless specific deviations are allowed by the Master Sign Program;
- e. The allowed signs will not adversely impact the public health, safety, or general welfare;
- f. The allowed sign sizes are proportionate and appropriate to the building and site where they are located; and
- g. The number, placement, design, and material of the allowed signs are compatible with the architectural design of buildings on the site.

9. Limitations.

- a. As a part of the discretionary approval of a Master Sign Permit, the Design Review Committee may require modifications to the proposed Master Sign Program including limits on allowed sign types, height, area, dimensions, placement, materials, and other sign design features, in addition to the limitations set by the objective standards of the Zoning Code.

10. Effect of Master Sign Program.

- a. All tenants and land uses on the site are subject to the requirements of the approved Master Sign Program.
- b. All subsequent signs proposed for a site subject to an approved Master Sign Program must comply with the standards and specifications included in the Master Sign Program.
- c. Subsequent signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.
- d. Signs inconsistent with an approved Master Sign Program require either an amendment to the Master Sign Program or modification of the inconsistent signs.
- e. Approval of a Master Sign Program supersede the regulations of this section. Any aspect of the proposed signs not addressed by the Master Sign Program must be in compliance with this section.

D. Creative Sign Permits

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1. **Purpose.** A Creative Sign Permit allows for creative signs that deviate from sign standards in this section. Creative Sign Permits are intended to:
 - a. Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
 - b. Allow for creative signs that deviate from the standards in this section while minimizing adverse impacts on neighboring properties and the community at large.
2. **When Allowed.** A creative sign is allowed for any type of sign in any location in Eureka, except for digital signs, which are allowed only in locations specified in Table 340-9 (Digital Signs).
3. **Review Authority.** The Design Review Committee reviews and takes action on Creative Sign Permit applications.
4. **Application Submittal and Review.** Creative Sign Permit applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures). To allow the Design Review Committee to understand the context of proposed creative signs, Creative Sign Permit applications may identify the placement, size, materials, type, and general design of all existing and proposed signs located on the same site, including signs not requiring a Creative Sign Permit. If proposed signs meeting all applicable standards are considered and approved by the Design Review Committee as part of a Creative Sign Permit application, the Creative Sign Permit serves as an equivalent of an Administrative Sign Permit and no separate Administrative Sign Permit is required.
5. **Eligible Adjustments.** A Creative Sign Permit may allow deviation from standards in 155.340.070 (Sign Standards), excluding standards for digital signs (see Table 340-9) and marquee signs (see 155.340.070 E.3). Deviation from any other requirement in this section is not allowed. One Creative Sign Permit may cover multiple deviations from standards and multiple signs on the same site.
6. **Design Features Requiring a Creative Sign Permit.** The following sign design features are allowed only with a Creative Sign Permit:
 - a. Signs which change color at a frequency of more than one color change per 15 seconds, except for digital signs consistent with Table 340-9 (Digital Signs).
 - b. Chase lighting.
 - c. Neon signs that change color or are animated. Neon signs that do not change color or utilize animation are allowed without a Creative Sign Permit.
7. **Digitally-Printed Signs.** A digitally-printed sign may constitute no more than 40 percent of the total sign area of a sign approved with a Creative Sign Permit.
8. **Public Notice and Hearing.** The Design Review Committee will review and act on a Creative

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Sign Permit application at a noticed public hearing in compliance with 155.408.080 (Notice of Public Hearing) and 155.408.1010 (Public Hearings).

9. **Approval Criteria.** To approve a Creative Sign Permit, the Design Review Committee must find that the sign meets all of the General Design criteria and incorporates three or more of the Sign Features, Materials, and Contextual Criteria, as provided below.
 - a. **General Design.** The sign meets all of the following general design criteria:
 - (1) The sign constitutes a substantial aesthetic improvement to the site and has a positive visual impact on the surrounding area;
 - (2) The sign is of unique design, and exhibits a high degree of thoughtfulness, imagination, inventiveness, and spirit;
 - (3) The sign is of a higher creative, artistic, and/or sculptural nature than the average sign typically found in Eureka; and
 - (4) The sign provides strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
 - b. **Sign Features, Materials, and Contextual Criteria.** The sign incorporates three or more of the following:
 - (1) Materials of a higher quality than typically used for signs in Eureka (e.g., stone, sculptural steel, sandblasted wood, gold leaf, hand-painted content with an artistic mural-like component).
 - (2) Projecting, recessed, or cut-out text (e.g., push-through illuminated acrylic letters, routed letters, routed metal).
 - (3) Creative and unique use of clearly-visible high-quality landscaping with an area greater than the minimum required for the sign or site, whichever is more.
 - (4) Creative and unique use of lighting (e.g., chase, neon lighting, LED faux neon, a well-coordinated combination of at least three different types of site-appropriate illumination).
 - (5) Clearly visible three-dimensionality where a notable proportion of the structure or form of the sign includes multiple deviations from a parallel plane (e.g., a sphere, a half-sphere, sculptural elements, a fully three-dimensional beer mug).
 - (6) Sign design successfully emulates the architecture of the building (e.g., a sign with roof-like covering that matches the general design of the roof of the building it serves).

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- (7) Highly irregular multi-dimensional sign shape (e.g., a sign that has at least five or more straight sides, a sign that has a few straight sides and multiple variable rounded sides, a sign with an unusually disproportionate height-to-width ratio).
- (8) At least 50 percent of the sign area includes custom artistic illustrations.
- (9) Sign shape includes inventive representation of the use, name, or logo of the structure or business (e.g., a fish-shaped sign for a fishing store).
- (10) Neon and/or LED faux neon signs that emulate movement but do not include chase lighting.
- (11) Mechanically-animated element(s).
- (12) Symbols or imagery relating to timber, commercial fishing, coastal land uses, arts/culture, other factors inherent to Eureka’s identity, or to Eureka’s current or historic character.

10. **Limitations.** As a part of the discretionary approval of a Creative Sign Permit, the Design Review Committee may require modifications to the proposed ~~Creative Signs~~ signage including limits on allowed sign types, area, dimensions, placement, materials, and other sign design features, in addition to the limitations set by the objective standards of the Zoning Code.

- E. Encroachment Permit.** Any sign which projects into the public right-of-way requires approval of an Encroachment Permit.
- F. City-Installed or Required Signs.** Signs installed or required by the City do not require a permit.

Section 49.

Title XV, Chapter 155, Section 155.340.070, Division A, Table 340-1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.070 – Sign Standards

A. Sign Standards

Table 340-1: Wall Signs

Definition: A wall sign is a sign attached to, or painted on, the exterior wall of a structure, with the display surface of the sign approximately parallel to the building wall. Wall signs include signs attached to, but not extending above, a fascia, parapet, or mansard roof.

Where Allowed: All zoning districts.

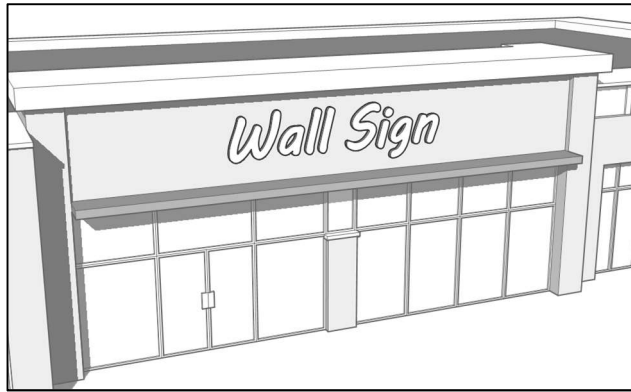
Figure 340-8: Wall Signs

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Materials:

- Unless painted on a wall, wall signs must be constructed of durable, rigid material such as wood, plastic, or metal.
- Permanent walls signs constructed of flexible, non-rigid material (e.g., cloth, flexible vinyl) are not permitted.
- Wall signs may be painted directly on a building wall.



Illumination:

- In non-residential zoning districts: Both external and internal illumination is allowed.
- In residential zoning districts and multi-family residential uses: Only external illumination is allowed.

Digital Signs: Digital signs are not allowed as a wall sign.

Standards [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, HI	Non-residential uses in all Residential zones and multi-family residential uses
Max. number	2 per tenant frontage		1 per building frontage
Max. area [2]	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 32 sq. ft. per tenant frontage	1.0 sq. ft. per linear foot of tenant frontage (no maximum)	24 sq. ft.
Max. height	Roof line or parapet of building to which sign is attached.		
Max. projection from building wall	6-12 inches		
<p><u>Notes:</u></p> <p>[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).</p> <p>[2] Maximum area applies to all wall signs combined on a tenant frontage.</p>			

Section 50.

Title XV, Chapter 155, Section 155.340.070, Division A, Table 340-2 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.070 – Sign Standards

A. Sign Standards

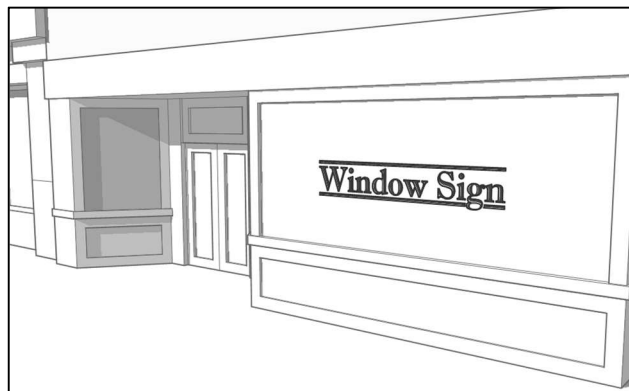
Table 340-2: Window Signs, Non-Illuminated

Definition: A sign posted, painted, placed, or affixed in or on a window exposed to public view (including windows on upper floors). Any sign attached to a window, within two feet of a window, or attached to a display located within two feet of a window is considered a window sign.

Where Allowed: All zoning districts.

Window Transparency: For each individual window, a minimum of ~~50~~75 percent of the total window area must be transparent and free of signage features. -Window area is measured from interior of trim to interior of trim, including mullions, muntins, and other separations of panes of glass.

Figure 340-9: Window Signs, Non-Illuminated



Standard [1]	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, H	SC, LI, HI	Non-residential uses in all Residential zones
Max. number	No max.		
Max. area [2]	25 percent of total tenant frontage window area	50 percent of total tenant frontage window area	25 percent of the total window area of each individual window
Max. height	No max.		
Notes:			
[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).			
[2] Maximum area applies to all window signs combined on a tenant frontage.			

Section 51.

Title XV, Chapter 155, Section 155.340.070, Division A, Table 340-3 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.070 – Sign Standards

A. Sign Standards

Table 340-3: Window Signs, Internally Illuminated

Definition: A sign placed in a window with individually illuminated letters, numbers, or graphics not exceeding 12 square feet. Includes illuminated “open” signs and signs illuminated with LEDs, neon, or other fluorescing gas.

Where Allowed:

- Allowed in all non-residential zoning districts except for the Office Residential (OR) zoning district.

Additional Requirements:

- Animated window signs require a Creative Sign Permit.

Digital Signs: Digital signs are not allowed window sign.

Figure 340-10: Window Signs, Internally Illuminated



as a

Window Transparency: For each individual window, a minimum of 50 percent of the total window area must be transparent and free of signage features. Window area is measured from interior of trim to interior of trim, including mullions, muntins, and other separations of panes of glass.

Standard [1]	Zoning District	
	DT, DW, HC, WA, NC, HM, HN	SC, LI, HI
Max. number	2 per tenant frontage	
Max. area [2]	25 percent of total tenant frontage window area	50 percent of total tenant frontage window area
Max. height	No max.	
<p><u>Note:</u></p> <p>[1] Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).</p> <p>[2] Maximum area applies to all window signs combined on a tenant frontage.</p>		

Section 52.

Title XV, Chapter 155, Section 155.340.070, Division A, Table 340-7 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.070 – Sign Standards

A. Sign Standards

Table 340-7: Monument Signs

Definition: A monument sign is a sign detached from a building and supported on the ground by one or more structural elements that are one-quarter or more of the width of the sign face. Internal supports, poles, or pylons, if any, are enclosed by decorative covers or otherwise not exposed to view. Includes signs where supporting structural elements are architecturally dissimilar to the design of the sign. Excludes “pole signs.”

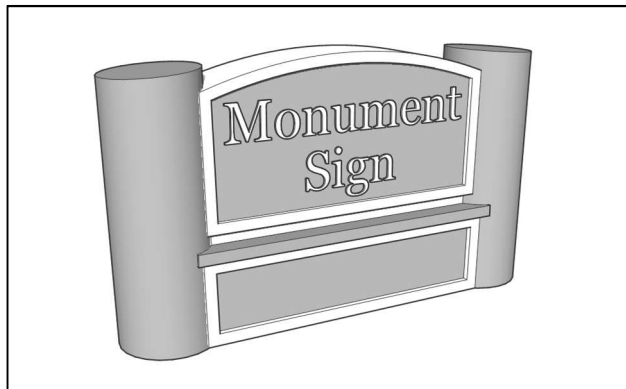
Where Allowed: Allowed in all mixed use and industrial zoning districts and multi-family residential uses.

Monument and Pole Signs: A monument sign is not allowed on a site that also contains a pole sign.

Ground Support and Placement: See 155.340.080.J (Detached Sign Ground Support and Placement).

Digital Signs: Digital signs are not allowed as a monument sign.

Figure 340-15 Monument Signs



Standard	Zoning District		
	DT, DW, HC, WA, NC, OR, HM, HN	SC, LI, HI	Multi-family residential uses
Max. number	1 per site		
Max. area	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 32 sq. ft. per tenant; maximum of 64 sq. ft. for multi-tenant signs	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 50 sq. ft. per tenant; maximum of 150 sq. ft. for multi-tenant signs for 3 or more tenants	1.0 sq. ft. per linear foot of street-facing building frontage to a maximum of 32 sq. ft.
Max. height	8 ft.	12 ft.	8 ft.
Max. width	No max.		
Note: Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).			

Section 53.

Title XV, Chapter 155, Section 155.340.070, Division A, Table 340-8 is hereby amended

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to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.070 – Sign Standards

A. Sign Standards

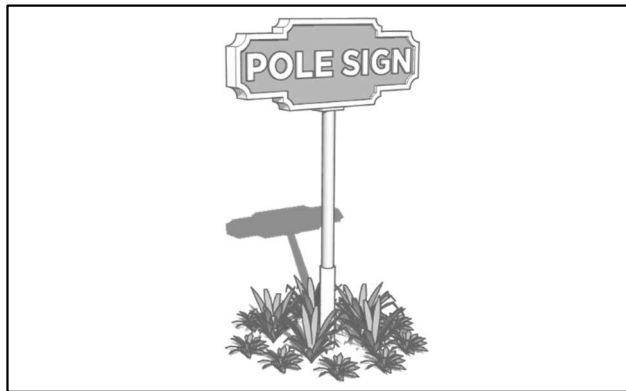
Table 340-8: Pole Signs

Definition: A sign detached from a building and supported on the ground by one or more structural elements that are less than one-quarter the width of the sign face.

Where Allowed:

- New pole signs are allowed in the SC, LI, and GI zoning districts.
- New pole signs are prohibited in all other zoning districts. Pole signs existing as of June 20, 2019 may remain.

Figure 340-16: Pole Signs



Pole and Monument Signs. A pole sign is not allowed on a tenant frontage site that also contains a monument sign.

Ground Support and Placement: See 155.340.080.J (Detached Sign Ground Support and Placement).

Landscaping: Pole signs must be placed in a planter box or other landscaped area, with the area of the landscaping a minimum of 15 square feet or one-half of the surface area of the sign, whichever is greater.

Digital Signs: Digital signs are not allowed as a pole sign.

Standard	SC, LI, HI Zoning Districts
Max. number	1 per site
Max. area	1.0 sq. ft. per linear foot of tenant frontage to a maximum of 50 sq. ft. per tenant; maximum of 150 sq. ft. for multi-tenant signs <u>for 3 or more tenants</u>
Max. height	24 ft.
Horizontal clearance	See 155.340.080.H (Vertical and Horizontal Clearance)
Max. width	No max.
<u>Note:</u> Standards apply only to ground-floor tenants and uses. See 155.340.070.B (Multi-Story Buildings).	

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Section 54.

Title XV, Chapter 155, Section 155.340.070, Division A, Table 340-9 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.070 – Sign Standards

A. Sign Standards

Table 340-9: Digital Signs

Definition: A sign that displays a visual image using liquid crystal cells or other types of light emitting diodes (LEDs), or their functional equivalent, where the image can be easily changed, typically by remote control or computer programming. Also known as Electronic Message Center (EMC) signs. Excludes fuel price signs, [as provided in 155.340.030.A.19](#), and marquee signs, [as provided in 155.340.070.E](#).

Where Allowed:

Prohibited in all zoning districts.

Existing Legal Nonconforming Digital Signs:

[Existing legally-established digital signs must comply with all listed digital sign standards, and must be removed when removal is triggered by 155.424.050 \(Nonconforming Signs\).](#)

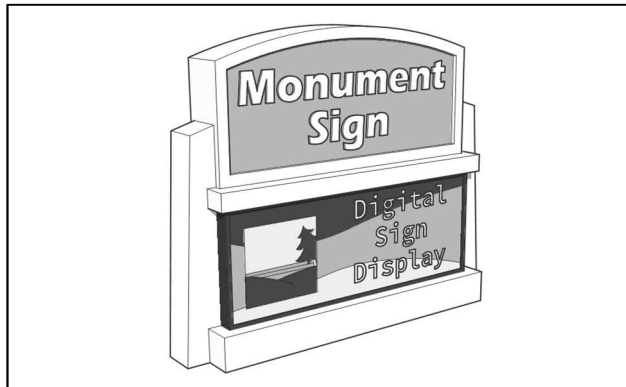
Off-Premise Signs Prohibited: Digital signs may not be used as an off-premise sign, or for any form of off-site advertising.

Design:

- ~~• A digital sign must be incorporated into the face of a permanent sign that includes text or graphics that are not part of the digital display.~~
- ~~• If a digital sign is located at the top of a sign, the sign must include a substantial cap feature above the digital display, which consists of the same or complementary material, form, and color as used on the sign face or structure.~~

Message Display:

Figure 340-14: Digital Signs



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- Digital signs may contain static messages only. Signs may not display text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
- Digital signs may not change message more than once every 15 seconds.
- The content of a digital sign must transition by changing instantly (e.g., no fade-out or fade-in).
- Ticker Signs are prohibited.

Brightness:

- During daylight hours between sunrise and sunset, luminance is limited to 10,000 nits.
- At all other times, luminance is limited to 160 nits.
- Digital signs may produce no more than 0.3 foot-candle of light when measured from the distance using the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign Sq. Ft.} \times 100}$$

- Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change.

Section 55.

Title XV, Chapter 155, Section 155.340.080, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.080 – General Requirements

- C. **Maximum Number of Sign Types.** No more than three different types of signs are allowed on a site without approval of a Master Sign Permit (see 155.340.060.C)

Section 56.

Title XV, Chapter 155, Section 155.340.080, Division D is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.340.080 – General Requirements

- D. **Changes to Sign Face.** Changes to a sign face that do not structurally alter or enlarge a legally-established sign do not require an Administrative Sign Permit but do require a Zoning Clearance.

Section 57.

Title XV, Chapter 155, Section 155.340.080, Division J is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

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155.340.080 – General Requirements

J. Detached Sign Ground Support and Placement.

1. **Ground Support.** Detached signs must be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
2. **Placement.** A detached sign may not occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, traffic portion of the right-of-way, vision clearance areas (if greater than 36 inches tall), or other areas required to remain unobstructed.

Section 58.

Title XV, Chapter 155, Section 155.344.010 is hereby amended to read as follows:

155.344.010 – Purpose

The purpose of this section is to allow for density bonuses and additional incentives, consistent with Government Code Section 65915 et. seq. and the General Plan Housing Element, and to promote the production of affordable, specialized, and senior housing. The density bonus ordinance codified in this chapter is intended to comply with State Density Bonus Law Government Code Section 65915 et seq.

Section 59.

Title XV, Chapter 155, Section 155.344 is amended to add 155.344.080 as follows:

155.344.080 – Interpretation

If any portion of this 155.344 conflicts with State Density Bonus Law (Government Code Section 65915 et seq.) or other applicable state law, state law shall supersede this section. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law.

Section 60.

Title XV Chapter 155, Section 155.404, Subsection 155.404.030, Division A, Table 404-1 (Review and Decision-Making Authority) is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.030 – Development Services Department

A. Responsibilities and Powers

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Table 404-1: Review and Decision-Making Authority

Type of Action	Zoning Code Section	Role of Authority			
		Director/ Department	Design Review Committee	Planning Commission	City Council
Legislative Actions					
Zoning Code and General Plan Amendment	155.432	Recommend	-	Recommend	Decision
Use Permits					
Conditional Use Permit [3]	155.412. 440 120	Recommend	-	Decision	Appeal
Minor Use Permit [3]	155.412. 440 120	Decision [1]	-	Appeal Decision n [5]	Appeal
Flexibility and Relief					
Administrative Adjustment	155.412.030	Decision [1]	-	Appeal	Appeal
Infill Incentive Permit, Major [3]	155.412.060	Recommend	-	Decision	Appeal
Infill Incentive Permit, Minor [3]	155.412.060	Decision [1]	-	Appeal Decision n [5]	Appeal
Minor Modification	155.412.070	Decision [1]	-	Appeal	Appeal
Reasonable Accommodation	155.412.080	Decision [1]	-	Appeal	Appeal
Variance, Major [3]	155.412. 420 140	Recommend	-	Decision	Appeal
Variance, Minor [3]	155.412. 420 140	Decision [1]	-	Appeal Decision n [5]	Appeal
Sign Permits					
Administrative Sign Permits	155.340.060.B	Decision [2]	Appeal	Appeal	Appeal
Creative Sign Permits [3]	155.340.060.D	Recommend	Decision	Appeal	Appeal
Master Sign Permits [3]	155.340.060.C	Recommend	Decision	Appeal	Appeal
Other Permits and Approval					
Density Bonus (ministerial)	155.344	Decision [2]		Appeal	Appeal
Density Bonus (discretionary) [3]	155.344	Decision [2 1]		Decision Appe al	Decision Appe al
Design Review [3]	155.412.040	Recommend	Decision [4]	Appeal	Appeal
Home Occupation Approval	155.304.070	Decision [2]	-	Appeal	Appeal

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Tiny House on Wheels Permit	155.304.130	Decision [2]		Appeal	Appeal
Tree Permit	155.304.140	Decision [2]	-	Appeal	Appeal
Zoning Clearance	155.412. 130 150	Decision [2]	-	Appeal	Appeal
Notes: [1] The Director may choose to refer the project to the Planning Commission for review and decision. [2] The Director may delegate review authority to Department staff on ministerial permits and approvals. [3] Density Bonus applications requiring other discretionary review will be acted upon by the highest review authority, with appeal rights to the next highest authority, except that decisions of the City Council are final. [4] The Historic Preservation Commission conducts Design Review for projects that alter a designated historic resource as provided in Municipal Code Chapter 157. If a project subject to Design Review also requires a permit from the Planning Commission, the Planning Commission conducts Design Review. If the project both alters a designated historic resource as provided in Municipal Code Chapter 157 and requires a permit from the Planning Commission, the Historic Preservation Commission conducts any Design Review for the project. [5] The Planning Commission acts on the permit only after receiving a written request for a public hearing during the 15-day hearing request period, in accordance with 155.408.090 (Notice of Pending Action). If no request for a public hearing is received by the end of the 15-day period, the Director acts on the application, and the action is final.					

Section 61.

Title XV, Chapter 155, Section 155.404.040, Division A, Paragraph 4 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.040 – Development Services Director

A. Responsibilities and Powers

4. Assumes responsibilities described in Municipal Code Section [3332.071-041](#) (Director of Development Services);

Section 62.

Title XV Chapter 155, Section 155.404, Subsection 155.404.050, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.404.050 – Planning Commission

C. Responsibilities and Powers

1. Serves as the review and decision-making authority on applications as shown in Table 404-1;
2. Hears appeals on decisions in accordance with 155.416 (Appeals and Reviews);
3. Makes recommendations to the City Council on Zoning Code amendments, [General Plan amendments, specific plans, other special-purpose land use plans](#), and other legislative matters;

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~~4. Makes recommendations to the City Council on General Plan amendments and specific plans and other special purpose land use plans; and~~

~~5.4.~~ Assumes responsibilities described in Municipal Code Section 152.01 (Planning Commission);

Section 63.

Title XV Chapter 155, Section 155.408.020, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.408.020 – Application Preparation and Filing

C. Eligibility for Filing

1. An application may be filed only by:
 - a. The property owner;
 - b. A property tenant;
 - c. An authorized agent of the property owner or tenant;~~or~~
 - d. A person under contract or with an exclusive option to purchase the property; or
 - d.e. Any other person who can demonstrate a legal right, interest or other entitlement to use the property for the proposed project.-
2. The application must be either:
 - a. Signed by the property owner; or
 - b. Accompanied by a written letter signed by the property owner consenting to the application.

Section 64.

Title XV Chapter 155, Section 155.408, Subsection 155.408.050, Division B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.408.050 – Multiple permit Applications

B. Concurrent Processing and Review.

1. The Department must process multiple applications for the same project concurrently.
2. Projects requiring multiple permit applications must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Conditional Use Permit will have both

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applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit). This does not apply to any ministerial permits or approvals acted on by the Director or Department staff without notice or public hearing, unless otherwise stated in the provisions of the Zoning Code.

Section 65.

Title XV, Chapter 155, Section 155.408.080, Division B, Paragraph 2 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.408.080 – Notice of Public Hearing

B. Content of Notice

2. **Project Information.** The applicant's name, the application file number, a general description of the project, and the location of the subject property.

Section 66.

Title XV Chapter 155, Section 155.412.020 is hereby amended to read as follows:

155.412.020 – Review Authority; Appeals

- A. **Projects Requiring Multiple Permits.** Projects requiring multiple permit applications must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Conditional Use Permit will have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit). This does not apply to any ministerial permits or approvals acted on by the Director or Department staff without notice or public hearing, unless otherwise stated in the provisions of the Zoning Code.
- B. **Appeals.** All decisions on permits and approvals in this section may be appealed in accordance with 155.416 (Appeals and Reviews).

Section 67.

Title XV, Chapter 155, Section 155.412.030, Division B, Table 412-1 (Allowed Administrative Adjustments) is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.030 – Administrative Adjustments

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- B. When Allowed.** Standards that may be modified with an Administrative Adjustment are identified in Zoning Code Article 2 (Zoning Districts) and Article 3 (Citywide Standards) and below.

Table 412-1: Allowed Administrative Adjustments

Section	Adjustment
155.208 Mixed Use Zone Districts	
155.208.030 Development Standards	Maximum Front Setbacks
155.208.040 Pedestrian Focused Frontage	Ground Floor Storefront Transparency
155.220 Resource Related Zoning Districts	
155.220.030 Development Standards	Height Exceptions for Non-Residential Structures
155.304 Supplemental Use Regulations	
155.304.020 Accessory Uses	Maximum Size
155.308 General Standards	
155.308.040 Vision Clearance Area	Vision Clearance Area Exception
155.308.050 Outdoor Lighting	Outdoor Lighting Exception
155.312 Design Standards	
155.312.040 Building Entries	Entrance Design Exception
155.324 Parking	
155.324.040 Reductions and Alternatives to Automobile Parking	Allow Shared Parking
155.324. 050-040 <u>General Standards Reductions and Alternatives to Automobile Parking</u>	Off-site Non-adjointing Parking
155.324. 050-040 <u>Reductions and Alternatives to Automobile Parking General Standards</u>	Low Parking Demand Reduction
155.324. 050-040 <u>Reductions and Alternatives to Automobile Parking General Standards</u>	MS4 Conflict <u>Low Impact Development</u> Parking Reduction

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155.324.060 Parking Design and Development Standards	Alley Access to Parking Waiver
155.324.060 Parking Design and Development Standards	Parking Placement
155.324.070 Bicycle Parking	Bicycle Parking Reductions
155.324.080 Parking Lot Landscaping	Alternative Landscape Design
155.332 – Residential Subdivision Alternatives	
155.332.020 Small Lot Subdivisions	On-site Parking Waiver

Section 68.

Title XV Chapter 155, Section 155.412, Subsection 155.412.040 is hereby amended to read as follows:

155.412.040 – Design Review

- A. Purpose.** Design Review is a discretionary process to ensure that the street-facing facades of proposed developments exhibit high quality design, complement neighboring properties, and contribute to Eureka’s distinctive identity and unique sense of place.
- B. When Required.** The following types of projects require Design Review:
 1. Additions adding 30 percent or more floor area to the total existing floor area of a building in the ~~R2 or R3 residential zoning districts~~ or in a mixed-use zoning districts (i.e., zoning districts described in 155.204 and 155.208).
 2. New buildings that are 500 square feet or more in the ~~R2 or R3 zoning districts~~ residential or in a mixed-use zoning districts (i.e., zoning districts described in 155.204 and 155.208).
 3. Any exterior modification to a street-facing building façade located on a Pedestrian-focused Frontage (See Figure 208-4 in 155.208 (Mixed Use Zoning Districts)). “Exterior modification” includes the addition of a new sign, or the change in the size, shape, or location on the façade of an existing sign, but does not include refacing an existing sign when there is no change in the size, shape or location of the sign, and does not include painting a sign directly on the façade of the structure.
 4. Wireless Telecommunication Facilities See Municipal Code Chapter 159 (Wireless Telecommunications Facilities).
- C. Exemptions.** The following projects are exempt from Design Review:

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~~1. Single-family homes and accessory dwelling units~~ Housing development projects with four or fewer residential units, including projects with residential units only, and mixed-use developments with at least two-thirds of the square footage designated for residential use.

~~5-2. Transitional, supportive, emergency and farmworker housing.~~

~~6-3.~~ Modifications and additions to existing structures where the modification or addition is not facing an adjacent public street.

~~7.4.~~ Buildings occupied by the following use categories, as identified in 155.504 (Land Use Classifications):

- a. Agricultural and natural resource uses.
- b. Civic and recreation uses.
- c. Infrastructure and utility uses.

~~8-5.~~ Projects or project features to serve a person with disabilities under the Americans with Disabilities Act (ADA).

D. Signs.

1. The Design Review Committee serves as the review authority for signs that require a Master Sign Permit or Creative Sign Permit. However, these sign permit applications are not subject to the Design Review process required by this section. To approve a sign permit, the Design Review Committee uses exclusively the review and approval criteria in 155.340 (Signs). The Design Review Committee does not consider the Design Review criteria in 155.412.040.J (Design Review Criteria) when acting on a sign permit.
2. The Design Review Committee serves as the review authority for modification of the size, shape, or location of an existing sign, or the addition of a new sign, on the façade facing a Pedestrian-focused Frontage. Design Review is not required for either a new sign or modification of an existing sign when the sign is painted directly on the façade facing a Pedestrian-focused Frontage; however, a sign permit may be required pursuant to 155.340 (Signs).
 - a. To approve modification of the size, shape, or location on the façade of an existing sign, the Design Review Committee uses exclusively the Design Review Criteria (155.412.040.J.) for ~~Community Character~~, Surrounding Context, Architectural Style, and Visual Interest.
 - b. For a new sign, the Design Review Committee uses the Design Review Criteria noted in a., above, and the review and approval criteria in 155.340 (Signs) to approve both the façade modification and the sign.

E. Review Authority.

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1. The Design Review Committee conducts Design Review for all projects except as follows:
 - a. If the project also requires review by the Historic Preservation Commission (HPC) as provided in Municipal Code Chapter 157 (Historic Preservation), the HPC conducts Design Review.
 - b. If the project also requires a permit from the Planning Commission, the Planning Commission conducts Design Review, unless Design Review is to be conducted by the Historic Preservation Commission in accordance with a., above.
 - c. If the project also requires City Council approval, the City Council conducts Design Review, unless Design Review is to be conducted by the Historic Preservation Commission in accordance with a., above.
 2. When the Planning Commission or City Council conducts Design Review, the Department may request informal input from individual Design Review Committee members prior to Planning Commission or City Council action on the project. The Design Review Committee does not hold a formal meeting on the proposed project prior to Planning Commission or City Council review.
- F. Application Submittal and Review.** Design Review applications must be submitted and reviewed in compliance with 155.408 (Permit Procedures).
- G. Consistency.** A project must be consistent, as determined by the Director, with the General Plan, any applicable specific plan or area plan, and ~~or other~~ applicable objective design policies and regulations adopted by the City Council, prior to being scheduled for Design Review.
- H. Public Notice and Hearing.** The review authority must review and act on a Design Review application at a noticed public hearing in compliance with 155.408.100 (Public Hearings).
- I. Scope of Design Review.**
1. When acting on a Design Review application, the review authority must consider only those project features directly related to the Design Criteria described in 155.412.040.J (Design Review Criteria).
 2. The review authority may not consider exterior building colors or other color choices included as part of a proposed project.
 3. When conducting Design Review, the review authority may not require a modification to a project feature that complies with mandatory development standards in the Zoning Code. For example, if a project complies with the minimum setback requirement, the review authority may not require an increased setback as a condition of Design Review approval. Design Review is intended to address only aesthetic considerations not otherwise regulated by the Zoning Code.

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4. Design Review may not require project changes to improve the economic viability of a business as perceived by the review authority.

J. Design Review Criteria. To approve a Design Review application, the Review Authority must find that the proposed project complies with all of the following Design Review criteria to the extent they apply.

~~**Community Character.** The overall project design enhances Eureka’s unique character and distinctive sense of place. A variety of building types and styles respects Eureka’s architectural heritage and embraces forward-looking creative expression.~~

1. **Surrounding Context.** The overall project and associated buildings enhance the design quality of the area where they are located, and enhance Eureka’s unique character and distinctive sense of place. New buildings may “fit in” with traditional architecture that ~~matches or~~ complements the surrounding context or “stand out” with a contemporary and contrasting style. All buildings must minimize adverse impacts on neighboring properties when possible.
2. **Pedestrian Environment.** Buildings incorporate design features that support an active public realm and an inviting pedestrian environment.
3. **Architectural Style.** Buildings demonstrate a coherent and successfully executed architectural style. Building architecture may be traditional or modern. Buildings are not required to conform to any dominant architectural style or local vernacular. Creative architectural and artistic expression is encouraged.
4. **Articulation and Visual Interest.** Building facades are distinctive, create visual interest, and relate to the human scale through vertical and horizontal articulation, varied building planes, distinctive building elements, and/or noticeable architectural details. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as articulation, trim, eaves, window boxes, and brackets contribute to the visual interest of the building.
5. **Materials.** Building facades feature high-quality materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
6. **Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility, and features that promote a sense of ownership of outdoor space.
7. **Landscaping.** Landscaping features low-water-use plants appropriate for the local climate, contains native plants in compliance with 155.328.050.D (Native Plants), and does not include any invasive species that would be harmful to native plants and habitat, in compliance with 155.328.050.E (Invasive Plants).

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K. Findings. To approve a Design Review application, the review authority must make all of the following findings:

1. The proposed development will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
2. The proposed project complies with all applicable Design Review criteria in 155.412.040.J (Design Review Criteria).

L. Building Permits.

1. For projects subject to Design Review, the Building Department may not accept a Building Permit application until after Design Review approval.
2. The Building Department may issue a certificate of occupancy or other final Building Permit sign-off only after the Department has physically inspected the project site and verified that the as-built project conforms with Design Review approved plans and conditions of approval.

Section 69.

Title XV, Chapter 155, Section 155.412, Subsection 155.412.060, Division E, Paragraph 11 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 – Infill Incentive Permits

E. Required Benefits

- 11. Community Amenities.** The project creates or preserves a cultural, recreational, employment, or other amenity that ~~the~~ adds significantly to the quality of life of the neighborhood or the community. The community amenity must be an allowed use in the applicable zoning district to qualify as a benefit.

Section 70.

Title XV, Chapter 155, Section 155.412.060, Division I, Paragraph 1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.060 – Infill Incentive Permits

I. Public Notice and Hearing

- 1. Minor Infill Incentive Permits.** Public notice of the Director's pending action on a Minor Infill Incentive Permit application will be provided in compliance with 155.408.090 (Notice of

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Pending Action). The Planning Commission will hold a public hearing only after receiving a written request for a public hearing.

Section 71.

Title XV, Chapter 155, Section 155.412.120, Division E, Paragraph 1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.120 – Use Permits

E. Public Notice and Hearing

1. **Minor Use Permits.** Notice of the Director's pending action on a Minor Use Permit application must be provided in compliance with 155.408.090 (Notice of Pending Action). The Planning Commission will hold a public hearing only after receiving a written request for a public hearing.

Section 72.

Title XV Chapter 155, Section 155.412.140, Division G, Paragraph 1 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.140 – Variances

G. Public Notice and Hearing

1. **Minor Variance.** Public notice of the Director's pending action on a Minor Variance Permit application will be provided in compliance with 155.408.090 (Notice of Pending Action). The Planning Commission will hold a public hearing only after receiving a written request for a public hearing.

Section 73.

Title XV Chapter 155, Section 155.412.140, Division H is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.412.140 – Variances

- H. Findings for Approval.** To approve a Variance, the review authority must make all of the following findings:

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1. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zoning district as the subject property.
2. The strict application of the Zoning Code regulation would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zoning district as the subject property.
- ~~3. The Variance is necessary to preserve a substantial property right possessed by other properties in the vicinity or in the same zoning district as the subject property.~~
- 4.3. The Variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zoning district as the subject property.
- 5.4. The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zoning district as the subject property.

Section 74.

Title XV Chapter 155, Section 155.412.150 is hereby amended to read as follows:

155.412.150 – Zoning Clearances

- A. Purpose.** A Zoning Clearance is a ministerial process to confirm that a proposed structure or land use complies with the Zoning Code.
- B. When Required.** A Zoning Clearance is required before:
 1. An applicant establishes a land use permitted by right in the zoning district;
 2. The City issues a new or modified business license; or
 3. The City issues a building permit, grading permit, or other construction-related permit to:
 - a. Establish a new structure or use;
 - b. Move or reconstruct an existing structure;
 - c. Modify an existing structure to accommodate a change in use; or
 - d. Enlarge or expand an existing structure.
- C. Relationship to Discretionary Permits.** When a project requires a discretionary action, a discretionary approval serves as the equivalent of a Zoning Clearance.
- D. Relationship to Other Ministerial Approvals.** When a project requires another ministerial approval in addition to a Zoning Clearance (e.g., a Building Permit approval), the ministerial approval serves as the equivalent of a Zoning Clearance.

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- E. Applicant Requests.** A property or business owner may request a Zoning Clearance to provide documentation that an existing structure or use complies with the Zoning Code.
- F. Review Authority.** A Zoning Clearance is approved by Department staff. Controversial and complex projects will be referred to the Director for review and approval.
- G. Applications.** An application is not required for a Zoning Clearance, unless the Zoning Clearance is the only City approval required for a project. Department staff will review the project information submitted for a Building Permit or other required City approvals when acting on the Zoning Clearance.
- H. Review and Action.**
 - 1. Department staff will review the project information to verify compliance with the Zoning Code. If the project complies with all applicable requirements, the Department staff must approve the Zoning Clearance.
 - 2. Zoning Clearance approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other similar certification or form.

Section 75.

Title XV, Chapter 155, Section 155.416.020, Paragraph A, Paragraph 2 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.416.020 – Appeal Subjects and Jurisdiction

A. Appealable Decisions.

- 1. Table 404-1 in 155.404 (Administrative Responsibilities) identifies decisions that may be appealed and the body that hears the appeal.
- 2. In addition to the permits and decisions in Table 404-1, any discretionary decision made by the Director when administering the Zoning Code may be appealed to the Planning Commission, and any discretionary decision by the Planning Commission may be appealed to the City Council. For notices of pending Director action, the Zoning Code allows for a request for a hearing in lieu of an appeal of the Director's action.
- 3. Ministerial actions of the Department, Director, and other City staff when administering the Zoning Code may be appealed to the Planning Commission.

Section 76.

Title XV, Chapter 155, Section 155.420.090 is hereby amended to read as follows:

155.420.090 – Permit/Approval Expiration

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- A. **General.** As provided in this subsection, ~~approved permits~~ permits and other approvals listed in 155.412 (Specific Permits and Approvals) automatically expire without further action by the City unless:
1. An extension of time is approved under 155.420.100 (Extension of Time); or
 2. An alternative timeframe is established by the review authority in accordance with 155.420.100 (Extension of Time).
- B. **Time Limits.**
1. Permits and other approvals listed in 155.412 (Specific Permits and Approvals) ~~A permit~~ expires two years after approval if ~~it is~~ not exercised. A permit/approval is exercised when:
 - a. A building permit is issued and construction has commenced and is diligently pursued to completion;
 - b. A certificate of occupancy is issued; or
 - c. The land use is established.
 2. After a permit/approval is exercised, the permit/approval expires if, prior to occupancy, construction stops for three years.
- C. **Discontinued Uses.**
1. Approved use permits that have been vested pursuant to 155.420.090.B do not expire and remain in effect indefinitely unless the City revokes the permit as provided in 155.428.080 (Permit Revocation).
 2. If a land use authorized by a use permit ceases operations for any period of time, the use permit remains valid and the land use may be re-established without the need for a new use permit. A re-established use must comply with all conditions of approval attached to the original permit.
 3. If a legally established land use without a required use permit ceases operations for any period of time, the land use may be re-established only after obtaining City approval of the required use permit.
- D. **Effect of Expiration.**
1. An expired permit/approval is void and of no further force and effect. An applicant retains no rights previously granted under an expired permit/approval.
 2. To establish a use or structure allowed by an expired permit/approval, an applicant must apply for and receive City approval of a new permit/approval.

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Section 77.

Title XV Chapter 155, Section 155.420.100 is hereby amended to read as follows:

155.420.100 – Extension of Time

A. General.

1. An applicant may request an extension of a permit/approval set to expire under 155.420.090 (Permit/Approval Expiration) in accordance with this subsection.
2. An applicant may request two types of extensions:
 - a. A one-year extension approved by the Director; and/or
 - b. A two-year extension approved by the original ~~permit~~ review authority.

B. All Extension Requests. All extension requests must comply with the following:

1. The applicant must submit to the Department a written extension request no later than ten days before the permit/approval expiration date. The request must be accompanied by all fees, information, and materials required by the Department.
2. Filing a written extension request suspends the ~~permit~~ expiration until the review authority acts on the request. Building, grading, or other construction-related permits associated with the permit/approval may not be issued during the suspension period.
3. The review authority may extend the permit/approval if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit/approval in a timely manner.
4. The burden of proof is on the applicant to demonstrate that the permit/approval should be extended.
5. If the Director is the review authority for the extension request, the Director may choose to refer the request to the Planning Commission for review and final decision.

C. One-Year Extension.

1. The Director may approve a one-year extension to a permit/approval in accordance with 155.420.100.B (All Extension Requests).
2. A noticed public hearing is not required.

D. Two-Year Extensions.

1. The review authority that originally approved the permit/approval may approve a two-year extension to ~~a~~ the permit/approval in accordance with 155.420.100.B (All Extension Requests).

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2. The same public notice and hearing requirement that applied to the original permit/approval also applies to the two-year extension request.
3. The two-year extension may be in addition to a one-year extension previously approved by the Director, for a total ~~permit~~-extension of three years.

Section 78.

Title XV Chapter 155, Section 155.420.110 is hereby amended to read as follows:

155.420.110 – Resubmittal Following Denial or Revocation

- A. **Resubmittals Prohibited.** For a period of twelve months following the denial or revocation of a permit or other approval, the Department may not accept an application for the same or substantially similar ~~permit~~project for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.
- B. **Determination.** The Director determines whether an application is for a ~~permit~~project that is the same or substantially similar to the project approved by the previously denied or revoked permit/approval.
- C. **Appeals.** The determination of the Director may be appealed to the Planning Commission in compliance with 155.416 (Appeals and Reviews).

Section 79.

Title XV Chapter 155, Section 155.420, Subsection 155.420.120 is hereby amended to read as follows:

155.420.120 – Permits to Run with the Land

Permits/approvals issued in compliance with the Zoning Code remain valid upon change of ownership of the site, structure, or land use that is the subject of the approved permit/approval.

Section 80.

Title XV Chapter 155, Section 155.424 is hereby amended to read as follows:

155.424 – Nonconformities

155.424.010 – Purpose

Except as otherwise provided herein, this section establishes regulations for nonconformities, including, but not limited to site features, buildings, signs, uses, and lots that were legally established prior to the adoption of the current Zoning Code, but are prohibited, regulated, or restricted differently under the current Code. These regulations are intended to:

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- A. Recognize that some nonconforming uses and structures may contribute in a positive manner to Eureka’s unique sense of place and quality of life;
- B. Allow for the continued operation of nonconforming uses that are compatible with neighboring properties;
- C. Allow for the continued use of, and improvement to, some nonconforming structures;
- D. Require nonconforming site features to be brought into conformance with the Zoning Code when reasonable to do so; and
- E. Allow for the development and use of legal nonconforming lots.

155.424.020 – Applicability

A. Legal Nonconformities Only. This section applies to legally established site features, buildings, uses, signs, and lots that do not conform to the regulations of the zoning district in which they are located.

B. Not Applicable to Violations.

1. This section does not apply to nonconformities established in violation of the Zoning Code, or the regulation in effect at the time the nonconformity was established.

2. A nonconformity that was illegally established is considered a violation of the Zoning Code subject to 155.428 (Enforcement and Penalties).

C. Accessory Dwelling Units. An application for an accessory dwelling unit shall not be denied because of nonconforming conditions that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

Exclusions-

~~2. Accessory Dwelling Units.~~ This section does not apply to applications for new construction, creation, or modification of an accessory dwelling unit.

~~3. Reroof.~~ This section does not apply to applications for residential or commercial reroof permits.

~~4. Solar Systems.~~ This section does not apply to applications for solar systems.

~~5. ADA Accessibility.~~ This section does not apply to applications for ADA Accessibility additions or upgrades, when the project only consists of the Accessibility additions or upgrades. For example, installation of an accessible ramp for a commercial office would not be subject to this section. A tenant improvement for a commercial office which includes the addition of an accessible ramp would be subject to this section.

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~~6.— **Electric Vehicle Charging Stations.** This section does not apply to applications for Electric Vehicle (EV) Charging Station permits, when the project only consists of the EV station addition or upgrade, and any associated striping of the lot. For example, installation of an EV charging station at a multi-family apartment would not be subject to this section. A remodel of an apartment building which includes the addition of an EV charging station would be subject to this section.~~

D. Burden of Proof.

1. Any person asserting a right to a nonconformity has the burden of proof to demonstrate, to the satisfaction of the Director, that the nonconformity was legally established. The Director is not responsible to prove the absence of a legal nonconformity.
2. The Director’s decision on the legal status of a nonconformity may be appealed in accordance with 155.416 (Appeals and Reviews).

155.424.030 – Nonconforming Site Features

A. Applicability. This subsection applies to existing physical improvements on a developed lot that do not conform to the Zoning Code, excluding buildings and signs. See 155.424.040 (Nonconforming Buildings) for rules that apply to houses, garages, and other ~~primary~~ buildings on a lot, and 155.424.050 (Nonconforming Signs) for rules that apply to signs.

B. Required Compliance. Unless excluded by 155.424.~~020-030.D~~ (~~Applicability~~~~Project Exceptions~~), or the exemptions listed in each code section referenced below, if a development project requires a Building Permit where the total construction value is \$550,000 or more, and/or requires a Use Permit, the following nonconforming site features must be brought into compliance with the Zoning Code:

1. **Landscaping.** Landscaping required by 155.328.040 (Required Landscape Areas) and 155.328.050 (General Landscape Requirements).
2. **Parking Lot Landscaping.** Parking lot landscaping required by 155.324.080 (Parking Lot Landscaping) to the extent possible given the configuration of existing development and physical site constraints. For example, if the existing parking lot configuration and striping pattern can only accommodate a two-foot perimeter buffer instead of the required four-foot buffer, the two-foot buffer is allowed.
3. **Parking Lot Paving/Striping.** Parking lot paving and striping, striping as required by City specifications, when parking lot is not paved or stripped.
4. **Outdoor Lighting.** Outdoor lighting required by 155.308.050 (Outdoor Lighting).
5. **Outdoor Storage.** Outdoor storage as required by 155.304.110 (Outdoor Storage).

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6. **Vision Clearance Area.** Any site feature that conflicts with 155.308.040 (Vision Clearance Area).
7. **Waste Storage.** Solid waste/recyclable material storage areas required by 155.308.070 (Solid Waste/Recyclable Material Storage).
8. **Screening.** Screening for adjacent residential zoning districts required by 155.308.060 (Screening for Residential Zoning Districts).
9. **Short-Term Bicycle Parking.** Short-term bicycle parking as required by 155.324.070 (Bicycle Parking).
10. **Nonconforming Signs.** Nonconforming signs as required by 155.424.050 (Nonconforming Signs).

C. Annual Adjustment. The \$55,000 project valuation threshold in 155.424.030.B (Required Compliance) will be increased for inflation by 3 percent annually, using 2023 as the base year.

D. ~~Exceptions.~~ Exceptions

1. **Construction Project Exceptions.** The following development projects are not subject to 155.424.030.B (Required Compliance), and do not trigger the need to bring nonconforming site features into compliance:
 - a. **Accessory Dwelling Units.** This section does not apply to applications for new construction, creation, or modification of an accessory dwelling unit.
 - b. **Reroof.** This section does not apply to applications for residential or commercial reroof permits.
 - c. **Solar Systems.** This section does not apply to applications for solar systems.
 - d. **ADA Accessibility.** This section does not apply to applications for ADA Accessibility additions or upgrades, when the project only consists of the Accessibility additions or upgrades. For example, installation of an accessible ramp for a commercial office would not be subject to this section. A tenant improvement for a commercial office which includes the addition of an accessible ramp would be subject to this section.
 - e. **Electric Vehicle Charging Stations.** This section does not apply to applications for Electric Vehicle (EV) Charging Station permits, when the project only consists of the EV station addition or upgrade, and any associated striping of the lot. For example, installation of an EV charging station at a multi-family apartment would not be subject to this section. A remodel of an apartment building which includes the addition of an EV charging station would be subject to this section.

11-2.Site Feature Exceptions. The following nonconforming site features may continue and are not subject to 155.424.030.B (Required Compliance):

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- a. Fences and walls (155.320);
- b. Number of required on-site parking spaces (155.324.030);
- c. Long term bicycle parking (155.324.070);
- d. Parking design and development standards (155.324.060); and
- e. Other site features not specifically identified in 155.424.030.B (Required Compliance).

~~12. Exempt site features may be repaired or replaced provided the project does not increase or exacerbate the nonconforming aspect of the site feature.~~

F.E. Repairs and Modifications.

1. If a nonconforming site feature identified in 155.424.030.B (Required Compliance) is repaired or modified, the site feature must be brought into compliance with the Zoning Code.
2. A nonconforming site feature identified in 155.424.030.C.D.2 ([Site Feature Exceptions](#)) may be repaired or modified if the project does not increase or exacerbate the nonconforming aspect of the site feature. For example, a fence that exceeds the maximum height allowed by 155.320 (Fences and Walls) may be repaired or replaced if the fence height is not increased.
3. A project that increases or exacerbates the nonconforming aspect of any nonconforming site feature is subject to the permit requirements for Variances and Minor Modifications in 155.412 (Specific Permits and Approvals). For example, increasing the height of a nonconforming fence that exceeds the maximum height allowed by 155.320 (Fences and Walls) requires a Minor Modification or Variance. See 155.412 (Specific Permits and Approvals); [calculation of the percent deviation for purposes of qualifying for a Minor Modification is based on the proposed incremental increase in nonconformity.](#)

155.424.040 – Nonconforming Buildings

A. Applicability. This subsection applies to nonconforming houses, garages, and other buildings as defined in 155.508 ([Glossary Defined Terms](#)). See 155.424.030 (Nonconforming Site Features) for rules that apply to other types of nonconforming structures.

B. Permitted Modifications.

1. A nonconforming building may be repaired, modified, or enlarged if the project does not increase or exacerbate the nonconforming aspect of the building. For example, a remodel of a home that exceeds the height standard but that doesn't increase the home's height is allowed with a Zoning Clearance; no other Department permits are required.
2. Unless otherwise allowed by this section, a project that increases or exacerbates the nonconforming aspect of a building requires either a Minor Modification or Variance depending on the nature of the modification. For example, a remodel that increases the height

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of a home exceeding the maximum building height standard requires a Minor Modification or Variance. See 155.412 (Specific Permits and Approvals); calculation of the percent deviation for purposes of qualifying for a Minor Modification is based on the proposed incremental increase in nonconformity. For example, if a maximum permitted height is 30 feet, and a nonconforming building is 35 feet tall, up to three additional feet (10% of 30 feet) may be allowed with a Minor Modification, allowing the building height to be increased to 38 feet.

- C. **Expansions of Use.** An increase in floor area occupied by a permitted use in a nonconforming building is allowed subject to the limitations in 155.424.040.B (Permitted Modifications).
- D. **Established Side Setbacks for Building Additions.** See 155.204.030. E-G (Established Side Setbacks for Building Additions).
- E. **Damage, Destruction, and Demolition and Reconstruction**
 - 1. **Reconstruction Defined.** “Reconstructed” or “reconstruction” means rebuilding a damaged or destroyed building in a manner similar but not identical to the original structure. A reconstructed building generally recreates the original building footprint, mass, and height, but may deviate from design details such as architectural design and the arrangement of doors, windows, and rooflines.
 - ~~2. **Involuntary Damage and Destruction.** If a nonconforming building is damaged or destroyed by earthquake, fire, flood, or other calamity, the building may be reconstructed and continued as a legal nonconforming building. Reconstruction of a single-family home is allowed with a Zoning Clearance. Design Review is required for the reconstruction of a multi-family, mixed-use, and commercial buildings.~~
 - ~~3.2. **Voluntary Demolition.**~~
 - a. If a nonconforming building, or a portion of a nonconforming building is demolished, whether as a result of involuntary damage or destruction, or voluntary demolition-, the building may be reconstructed as shown in Table 424-1.

Table 424-1: Permits Required to Reconstruct Demolished Nonconforming Buildings

Linear footage of the interior and exterior building walls demolished or removed	Permit required
Less than 50 percent	By-Right
50 percent or more	MUP
<u>Note:</u> Removal of roof, foundation, or exterior sheathing is not included in demolition calculation. Interior wall coverings (such as sheet rock) are not considered walls.	

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- b. For reconstruction requiring a Minor Use Permit, the Director may attach conditions of approval as necessary to protect public health, safety and welfare, including requirements to reduce or eliminate previously existing nonconformities.

4.3. No New or Increased Nonconformities. Reconstruction of damaged, destroyed or voluntarily demolished buildings may not increase or exacerbate previously existing nonconformities or create new nonconformities.

4. Design Review. Design Review is required for 50% or more reconstruction of a building under the same circumstances as is required for a new building pursuant to 155.412.040.B (When Required) and 155.412.040.C (Exemptions).

5. **Design Review and Standards.** Reconstructed non-residential, mixed-use, and multi-family buildings ~~require Design Review and~~ must comply with the design standards in 155.208.040 (Pedestrian-Focused Street Frontages), and 155.312 (Design Standards), as applicable.
6. **Property Line Trespass.** A reconstructed building may not trespass across a property line and may not extend over or be located within the public right-of-way.
7. **Timing of Construction.** The construction of the replacement building must begin within two years of the date the structure was damaged or destroyed.
8. **Buildings Not Reconstructed.** If a damaged or destroyed nonconforming building is replaced with a new building that does not meet the definition of reconstruction, the new building must comply with all standards of the applicable zoning district or obtain a Variance (155.412.13420) or Minor Modification (155.412.070) depending on the nature of the deviations from applicable standards.

- F. **Relocated Buildings.** A nonconforming building that is moved to a new location must conform to all standards of the applicable zoning district.

155.424.050 – Nonconforming Signs

- A. **Applicability.** This subsection applies to signs as defined in 155.508 (Glossary Defined Terms) that are non-conforming.
- B. **Continuation.** Except as otherwise required by this subsection, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time the sign was installed. It is the applicant's responsibility to demonstrate that the sign was legally established.
- C. **Allowed Changes.**
 1. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign.

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1-2. Routine repairs and maintenance may be performed on a nonconforming sign. Routine repair and maintenance does not include 50% or more replacement of the physical structure, or expansion or enlargement of the physical structure or sign.

2-3. A ~~legal~~-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage. The replacement of 50 percent or more of the sign's structure is not repair and maintenance but instead constitutes a replacement structure requiring compliance with current permitting and development standards.

D. Required Compliance.

1. **Sign Installed on or after January 1, 2000. A nonconforming sign installed on or after January 1, 2000 must be removed or brought into compliance with this section when:**
 - a. The sign is damaged or requires maintenance and the cost of repair exceeds 50 percent of the replacement value;
 - b. The sign is relocated to a different lot or building; or
 - c. The Director determines the sign has become a public nuisance or hazard due to inadequate maintenance or dilapidation in accordance with 155.340.080.E (Maintenance).
2. **Sign Installed before January 1, 2000. A ~~legal~~-nonconforming sign installed before January 1, 2000 must be removed or brought into compliance with this section when:**
 - a. The sign is associated with a development project requiring a Building Permit where the total construction value is ~~\$5055,000~~ or more. The \$55,000 project valuation threshold will be increased for inflation by 3 percent annually, using 2023 as the base year;
 - b. A new use requiring a Use Permit occupies the tenant space served by the sign;
 - c. The sign is located on a remodeled building façade;
 - d. The building containing the use advertised by the sign is enlarged by 10 percent or more;
 - e. The sign is damaged or requires maintenance and the cost of repair exceeds 50 percent of the replacement value;
 - f. The sign is relocated to a different lot or building; or
 - g. The Director determines the sign has become a public nuisance or hazard due to inadequate maintenance or dilapidation in accordance with 155.340.080.E (Maintenance).

- E. Digital Signs.** Nonconforming digital signs must comply with the Design, Message, and Brightness standards in Table 340-9 in 155.340.070 (Sign Standards).

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155.424.060 – Nonconforming Uses

- A. **Continuation Allowed.** A nonconforming use may continue subject to the requirements of this section.
- B. **Intensification of Use.** A Minor Use Permit is required to increase the floor or site area occupied by a nonconforming use and/or intensify the operation of a nonconforming use in any way.
- C. **Change in Ownership, Tenancy, or Management.** A change in ownership, tenancy, or management of a nonconforming use does not affect its legal nonconforming status.
- D. **Uses Without Required Permits.** A legally established use that is allowed in a zoning district but which lacks a required permit (e.g., Conditional Use Permit) is considered a nonconforming use until the use receives the permit(s) required by the Zoning Code.
- E. **Expiration of Legal Nonconforming Status.** A legally established nonconforming use that ceases to operate for a period of six consecutive months or more is no longer considered legal nonconforming and the use may not be re-established. A use ceases to operate when a site is vacant or when a use is non-operational for any reason other than a natural disaster or illness/death of an owner/immediate family member.

155.424.070 – Nonconforming Lots

- A. **Development Permitted.** Legally established lots nonconforming to minimum lot area standards are permitted all development rights of the zoning district in which it is located.
- B. **Conformance with Standards.** Development on ~~legal~~ nonconforming lots must comply with all setback, building coverage, parking, and other standards of the applicable zoning district.
- C. **Boundary Adjustments.** The boundaries of a lot nonconforming to minimum area standards may not be adjusted to decrease the lot area except when necessary to remedy a situation where a structure or use improperly projects or extends over a lot line.

Section 81.

Title XV, Chapter 155, Section 155.504.030 is hereby amended to read as follows:

155.504.030 – Land Use Classification – Alphabetical

1. **Accessory Dwelling Unit (ADU).** An attached or detached residential dwelling unit with complete independent living facilities for one or more persons. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing or proposed single-family residence or an existing multi-family residence is situated and meets the standards of 155.316 (Accessory Dwelling Units). An accessory dwelling unit also includes:

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- a. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code;
 - b. Junior accessory dwelling unit as defined in Government Code Section 65852.22;
 - c. A Tiny House on Wheels permitted in a residential zone district pursuant to 155.304.130 (Tiny Houses on Wheels); and
 - d. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **Accessory Use.** A land use that is incidental and subordinate to a primary land use located on the same lot.
 3. **Adult Entertainment.** See 155.304.030 (Adult Entertainment).
 4. **Agricultural Processing.** The processing of harvested crops to prepare them for onsite marketing, off-site sale, or processing and packaging elsewhere. Includes alfalfa cubing; corn shelling; grist mills; milling of flour, feed and grain; grain cleaning and grinding; hay baling and cubing; pre-cooling and packaging of fresh or dried fruits or vegetables; tree nut hulling and shelling; farm product warehousing and storage; drying of corn, rice, hay; and sorting, grading and packing fruits and vegetables. Includes the processing of crops grown off-site. Excludes manufacturing of food and products ready for sale to consumers (see “Manufacturing, Artisan” and Manufacturing, Light”).
 5. **Agriculture.** The use of the land for commercial farming, crop production, horticulture, floriculture, viticulture, and animal raising and production, including dairies. May include accessory uses for packing, processing, treating, and storing crops grown on site provided such accessory uses are secondary to crop production activities. Excludes the processing and packaging of agricultural products (see “Agricultura Processing”), slaughterhouses and animal product processing uses (see Animal Processing”), cannabis cultivation (see Municipal Code Chapter 158), community gardens (see “Parks and Playgrounds”), and the harvesting of plants and animals in an aquatic environment (see “Aquaculture”).
 6. **Airport.** Facilities for the takeoff and landing of airplanes, including runways, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facilities, aircraft hangars, and related support activities.
 7. **Animal Keeping.** The keeping of animals for personal use as provided in Municipal Code Chapter 91 (Animal Keeping).
 8. **Animal Processing.** A facility where the slaughtering and/or processing of animals raised off-site takes place, including rendering plants and meat cutting and packing uses. Excludes manufacturing of consumer foods from animal products (see “Manufacturing, Heavy”).
 9. **Aquaculture.** Facilities or areas for the cultivation of marine or freshwater fish, shellfish, or plants under controlled conditions. Includes aquaponics that integrates aquaculture with

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hydroponics by recycling the waste products from fish to fertilize hydroponically growing plants. Includes cultured oyster beds and similar uses.

10. **Automobile Sales/Repair.** See Vehicle Sales and Services/Rentals (Indoor), General Retail – Outdoor, Vehicle Cleaning and Repair, or Heavy Equipment Sales and Service.
11. **Bars and Nightclubs.** Businesses devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food and/or recreation, amusement, and entertainment services is/are only incidental to the consumption of such beverages. Includes cocktail lounges, taverns, ~~dance clubs~~, and other similar uses. Excludes tasting rooms ancillary to breweries, wineries, and other alcoholic beverage production uses.
12. **Bed and Breakfast.** See Vacation Rental.
13. **Business Services and Heavy Commercial.** Indoor commercial establishments providing goods and services to other businesses and/or engaged in heavy commercial activities that could impact neighboring properties. Includes contractor supply businesses, building contractors, large equipment repair, pipe yards, commercial dry-cleaning/laundry services, security services, custodial services, business-serving printers, taxi and delivery services, private ambulance dispatch services, property maintenance contractors, plumbing supply stores, and other similar businesses. Products and services may be provided to the general public only on a limited, secondary basis. Outdoor display, storage, and sales is a secondary use and is subject to separate regulations and restrictions (see General Retail – Outdoor).
14. **Cannabis Uses.** See Municipal Code Chapter 158 (Medical Cannabis: Cultivation, Processing and Distribution).
15. **Car Dealership.** ~~See Vehicle Sales and Services.~~ See “Vehicle Sales and Rental (Indoor)” and General Retail – Outdoor.
16. **Car Share Facility.** A formal or informal membership organization that owns motor vehicles that are parked on-site or in off-site areas. Members use the motor vehicles under the terms of their membership.
17. **Check Cashing.** A retail business owned or operated by a "check casher" as that term is defined in California Civil Code section 1789.31.
18. **Civic Institution.** Public or non-profit institutions that support and contribute to the cultural development of the community and provide community-serving programs and services on-site. Includes libraries, museums, performing art centers (primarily non-retail), aquariums, zoos, environmental education centers, non-profit art centers and galleries, botanical gardens, and other similar uses. Excludes public and private schools, colleges and trade schools, and other similar educational facilities (see “Instructional Services” or “Schools, Public and Private”).

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19. **Colleges and Trade Schools.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees or certificates. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.
20. **Commercial Fishing.** The activity of catching fish and other seafood for commercial profit, mostly from wild fisheries. Includes ancillary fish and seafood processing; fish and seafood storage and distribution; and fish and seafood sales. Excludes cultivation of fish and seafood under controlled conditions (see “Aquaculture”).
21. **Commercial Lodging.** A commercial establishment in a non-residential zoning district providing overnight accommodations to guests for 30 consecutive calendar days or less. Commercial lodging establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. Includes hotels, motels, hostels, and other similar commercial establishments. Also includes dwelling units or portions thereof located in a non-residential zoning district rented to guests for 30 consecutive calendar days or less.
22. **Day Care Facility.** A facility that provides nonmedical care and supervision of children or adults for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, adult day programs, and similar uses. Day care facilities may be operated in conjunction with a school or church facility, or as an independent land use.
23. **Drive-Thru Facility.** A facility where motorists may purchase products or obtain services without leaving their vehicles. Drive-thru facilities are a secondary use that must be associated with a primary use. Excludes vehicle fueling stations (see “Fuel and Service Stations”).
24. **Emergency Shelters.** Housing with minimal supportive services for homeless persons that is limited to occupancy of one year or less. No individual or household may be denied emergency shelter because of an inability to pay. Includes drop-in centers that provide food, showers, and laundry facilities, and other services to the homeless.
25. **Family Day Care Home.** A state-licensed facility that regularly provides care, protection, and supervision for children, in the provider’s own home, for periods less than 24 hours per day, while the children’s parents or guardians are away. Family day care homes are a secondary use that must be associated with a primary use.
26. **Family Day Care Home, Large.** A home that provides family day care for 9 to 14 children as defined in California Health and Safety Code Section 1597.465.
27. **Family Day Care Home, Small.** A home that provides family day care for up to eight children as defined in California Health and Safety Code Section 1597.44.

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28. **Farmworker Housing.** Housing for transient labor, such as labor cabins or camps, incidental to a permitted agricultural use.
29. **Fitness, Dance, or Health Facility.** An indoor fitness center, gymnasium, athletic club, dance studio, yoga studio, or other similar use.
30. **Fitness, Dance, or Health Facility, Large.** A facility with a floor area of 8,000 square feet or more.
31. **Fitness, Dance, or Health Facility, Small.** A facility with a floor area of less than 8,000 square feet.
32. **Food-Serving Drive-Thru Facility.** A drive-thru facility associated with a “restaurants, cafes, and beverage sales” use.
33. **Food Truck.** See Mobile Vendor.
34. **Freight Terminals and Transfer.** Facilities for transfer and movement of freight, courier, and postal services by truck, rail, or sea.
35. **Fuel and Service Stations.** A retail business supplying fuels, oil, and minor accessories for vehicles. Includes establishments supplying gasoline, hydrogen, and electric vehicle charging as a primary land use. Includes incidental food and beverage sales (maximum 3,500 square feet of convenience market), car wash facilities, and minor automotive repair and service. Excludes towing service (see “Vehicle Towing and Impound”) and body and fender work, painting, and other major automotive repairs or cleaning and detailing as a primary use (see “Vehicle Cleaning and Repair”). Excludes electric vehicle charging stations installed in parking spaces and/or parking lots.
36. **Gas Station.** See Fuel and Service Station.
37. **General Retail.** Stores and shops selling merchandise to the general public, and which may include related services. Includes antique shops, art galleries, automotive supply stores, book stores, clothing stores, convenience markets, gift shops, furniture stores, drug stores, florists, liquor stores, pet shops, retail bakeries, supermarkets, garden supply stores, lumber yards, and other similar retail-based establishments.
38. **General Retail – Indoor.** A general retail establishment where merchandise is stored and displayed indoors. Includes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Also includes temporary sidewalk displays of merchandise (which may require an Encroachment Permit and other permits). Excludes the prominent display/storage of merchandise in an outdoor setting as a part of regular business operations, which is a secondary use subject to separate limitations (see “General Retail – Outdoor”). General Retail – Indoor falls into three categories:

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39. **General Retail – Indoor, Large.** A general retail indoor facility that is between 20,000 square feet and 50,000 square feet.
40. **General Retail – Indoor, Small.** A general retail indoor facility that is less than 20,000 square feet in total floor area.
41. **General Retail – Indoor, Very Large.** A general retail indoor facility that is larger than 50,000 square feet in total floor area.
42. **General Retail – Outdoor.** A supplemental outdoor area associated with a primary use (such as General Retail – Indoor) where merchandise is prominently stored and/or displayed for sale outdoors in a designated outdoor area as a regular part of business operations. General Retail – Outdoor is a secondary use that must be combined with another use (such as General Retail – Indoor or Heavy Equipment Sales and Service) and must include a building on-site that hosts the primary use, such as “Business Services and Heavy Commercial” or “General Retail – Indoor.” General Retail – Outdoor includes boat/trailer sales, plant nurseries, garden supplies, lumberyards, statuary stores, headstone sales, and other similar establishments. Includes the outdoor sales of automobiles and large vehicle sales. Excludes purely indoor car dealerships (see “Vehicle Sales and Rental (Indoor)”) and purely indoor large vehicle sales (see “Heavy Equipment Sales and Services”). A car sales business with both indoor sales rooms and outdoor sales lots requires approval of both uses (“Vehicle Sales and Rental (Indoor)” and “General Retail – Outdoor”) and is subject to the regulations that apply to both uses. Excludes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Excludes the temporary sidewalk displays of merchandise (which may require an Encroachment Permit or other permits).
43. **General Services.** An indoor commercial establishment that provides services to the general public, involves frequent visits by customers, and which may involve limited product sales related to the service provided. Includes banks, funeral parlors, ~~indoor commercial recreation establishments that do not sell alcohol (e.g., video arcades, indoor mini-golf, indoor batting cages),~~ laundromats, photocopy stores, customer-serving dry cleaners, household item repairs, veterinary clinics, tattoo/piercing parlors, customer-serving printers, animal grooming with no overnight boarding, recording studios, and other similar uses that provide on-site services to customers. Excludes places of employment that do not provide on-site services directly to customers (see “offices”) and facilities that provide medical services (see “Medical Care Services”). Excludes establishments that provide body-care related services (see “Personal Services”) and fitness-related establishments (see “Fitness, Dance, or Health Facility”). Excludes indoor commercial establishments that primarily provide recreation, amusement, and entertainment services (see “Indoor Commercial Recreation”), primarily serve alcoholic beverages~~For alcohol-serving indoor commercial recreation establishments, see “Bars and~~

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Nightclubs”), or primarily sell prepared food and/or beverages or (see “Restaurants, Cafes, and Beverage Sales.”).

44. **Government Facilities.** A facility operated by a governmental agency providing services to the general public. Includes governmental offices, public recreational facilities, community centers, public meeting spaces, civic auditoriums, fire stations, police stations, dispatch facilities, vehicle storage, and other similar facilities. Excludes schools (see “Schools, Public and Private”), facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see “Public Agency Corporation Yard”), parks and playgrounds (see “Parks and Playgrounds”), public utilities (see “Public Utility”), facilities providing group-services to persons in need (see “Social Services”) and homeless shelters (see “Emergency Shelters”).
45. **Heavy Equipment Sales and Service.** Indoor retail establishments selling or renting industrial, construction, farm, or other heavy equipment for commercial use, including cranes, earth moving equipment, tractors, tractor trailers, combines, and heavy trucks. Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoor”).
46. **Home Occupation.** A business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.
47. **Hospice.** See Medical Care Housing.
48. **Hospital.** Facilities providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. May include facilities for the takeoff and landing of helicopters.
49. **Hostel.** See Commercial Lodging.
50. **Hotel.** See Commercial Lodging.

51. **Indoor Commercial Recreation.** A privately-owned commercial facility providing indoor recreation, amusement, and entertainment services. Includes video arcades, movie theaters, bowling alleys, indoor mini-golf, indoor batting cages, and other similar uses. Excludes businesses primarily devoted to serving alcoholic beverages (see “Bars”) or primarily devoted to selling prepared food and/or beverages (see “Restaurants, Cafes, and Beverage Sales) for consumption by guests on the premises. Excludes establishments that provide body-care related services (see “Personal Services”) and fitness-related establishments (see “Fitness, Dance, or Health Facility”).

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- 51-52. Instructional Services.** Establishments that offer specialized programs in personal growth and development. Includes music studios/schools, drama schools, dance academies dedicated primarily to instruction, art schools, tutoring schools, and instruction in other cultural and academic pursuits.
- 52-53. Kennel-Animal Boarding.** A commercial facility for the keeping, boarding, training, breeding or maintaining of four or more dogs (four months of age or older), cats, or other household pet not owned by the facility owner or operator. Includes kennels, pet day care, and animal shelters. Excludes household pets for sale in pet shops (see “General Retail”) and veterinary clinics (see “General Services”).
- 53-54. Manufacturing, Artisan.** Artistic, artisan, craft-oriented, and small-scale manufacturing businesses engaged in the on-site assembly of individually fabricated parts or the fabrication of custom/craft goods, and the incidental direct sale to consumers of primarily those goods produced on site. The facilities are compatible with a general retail and mixed-use setting. Goods are predominantly manufactured and fabricated involving the use of hand tools or small-scaled mechanical equipment and kilns that do not generate noise, odors, or vibration detectable beyond the interior walls of the facility. Typical uses include craft food and beverage, including alcoholic beverage production, ceramic studios, fabrics, inlays, tile work, weaving, leather work, limited woodworking, limited metal or glass work, candle making, custom tailors, custom wedding dress production, custom jewelry, and other similar uses. May include limited tasting-rooms ancillary to the craft production of alcoholic beverage production uses.
- 54-55. Manufacturing, Light.** The manufacture of products in a manner that produces little or no noise, odor, fumes, dust, smoke, dirt, refuse, vibration, glare, and/or air or water pollution detectable beyond the interior walls of the facility and is unlikely to cause significant impacts on surrounding land uses. Products are commonly produced from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products. Does not produce or utilize toxic, hazardous, or explosive materials as an integral part of the manufacturing process. Includes the manufacture and production of clothing; mass-produced food and beverage products, including alcoholic beverage production; electronic, optical, and instrumentation products; electronic equipment and appliances; ice. Excludes the processing of harvested crops (see “Agricultural Processing”). May include tasting rooms ancillary to the craft production of alcoholic beverage production uses.
- 55-56. Manufacturing, Heavy.** A facility accommodating manufacturing processes that involve or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, or transportation equipment, and where the use may cause significant impacts on surrounding land uses. Includes manufacturing of chemical products; concrete, gypsum, and plaster products; paving and roofing materials; plastics and other synthetics, and

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rubber products; lumber and other wood products; tires; mass-produced food and beverage products, including alcoholic beverage products, paving and petroleum-based roofing materials; lime products; glass products. Also includes petroleum refining and related industries, oil and gas processing facilities, and ready-mix concrete batch plants. Excludes sales of ready-mix concrete incidental retail establishment (see "General Retail, Outdoor"), artisan and craftsman type operations (see "Manufacturing, Artisan"), and recapping and retreading of automobile tires (see "Vehicle Cleaning and Repair"). May involve the use of toxic, hazardous, or explosive materials. May include limited tasting rooms ancillary to the craft production of alcoholic beverage production uses.

~~56-57.~~ **Medical Care Housing.** A residential facility, licensed as a skilled nursing facility by the State of California, that provides twenty-four-hour medical, convalescent or chronic care to individuals who are unable to care for themselves by reason of advanced age, chronic illness, or infirmity. Excludes facilities providing non-medical social and personal care to residents (see "Non-medical Care Housing").

~~57-58.~~ **Medical Offices and Clinics.** Facilities where medical, mental, dental, vision, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, physical therapists, optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an outpatient basis. Includes mental health services such as marriage/family therapists, counselors, psychologists, psychiatrists, and other similar uses. Also includes alternative medicine facilities such as acupuncture, chiropractors, state-licensed therapeutic massage, nutritional consultation, herbalists, and other similar facilities. May include educational aspects such as medical instruction and/or training as well as house a laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses.

~~58-59.~~ **Micro/Shared Housing.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent to permanent or semi-transient residents for long-term occupancy (30 days or more). Includes rooming and boarding houses, single-room occupancy housing, dormitories, convents and monasteries, and other types of organizational housing. Excludes hotels, motels, bed and breakfast inns, and vacation rentals (see "Commercial Lodging" and "Vacation Rental") and State-licensed facilities providing social and personal care to residents (see "Non-medical Care Housing").

~~59-60.~~ **Mini-Storage.** One or more building in a controlled access and fully enclosed compound that contains separate self-storage spaces of varying size for the storage of customers' goods and possessions.

~~60-61.~~ **Mobile Home Park.** An area of land where two or more mobile home spaces are rented, or held out for rent, to accommodate mobile homes for more than 30 consecutive calendar days.

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- ~~61-62.~~ **Mobile Vendor.** Any vehicle from which a product is made, sold, or distributed at retail.
- ~~62-63.~~ **Motel.** See Commercial Lodging.
- ~~63-64.~~ **Multi-family Dwellings.** Two or more residential units located on a single lot. Includes units side-by-side, units stacked vertically, and one or more units occupying the same site as a non-residential uses (mixed-use development). Excludes detached single-family homes with an accessory dwelling unit in compliance with 155.316 (see “Accessory Dwelling Units”).
- ~~64-65.~~ **Neighborhood-Serving Retail and Service.** Retail and service establishments that primarily serve residents and employees within the immediate neighborhood. See 155.224.030 (Neighborhood Market Overlay).
- ~~65-66.~~ **Non-Commercial Places of Assembly.** Facilities that provides space for public or private meetings or gatherings. Includes places of worship, fraternal lodges, meeting space for clubs and other membership organizations, social halls, union halls, non-profit banquet centers, and other similar facilities.
- ~~66-67.~~ **Non-food Serving Drive Thru Facility.** A drive-thru facility associated with another use (such as General Retail Indoor) that is not a “Food-Serving Drive-Thru Facility.”
- ~~67-68.~~ **Non-medical Care Housing.** A state-licensed residential facility that provides non-medical social and personal care for residents. Includes community care facilities as defined in California Health and Safety Code (H&SC) Section 1500 et seq, residential care facilities for the elderly (H&SC Section 1569 et seq.), facilities for the mentally disordered or otherwise handicapped (California Welfare and Institutions Code Section 5000 et seq.), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11834.02), supportive housing (California Government Code Section 65582), transitional housing (California Government Code Section 65582), and other similar facilities.
- ~~68-69.~~ **Non-medical Care Housing, Large.** A non-medical care facility for 7 or more persons.
- ~~69-70.~~ **Non-medical Care Housing, Small.** A non-medical care facility for 6 or fewer persons.
- ~~70-71.~~ **Nursing Home.** See Medical Care Housing.
- ~~71-72.~~ **Offices.** A place of employment occupied by businesses providing professional services. Includes offices for accountants, architects, insurance agents, attorneys, engineers, real estate agents, travel agents, artist studios, and other similar professions. Excludes businesses that provide regular service to frequent walk-in customers (see “General Services”), medical offices (see “Medical Offices and Clinics”), governmental offices (see “Governmental Facility”), and art galleries that are primarily intended to display saleable art and attract retail sales (see “General Retail – Indoor”). Internal office space that is incidental to a different primary use is not considered an “office” use. For example, a manager’s office at a manufacturing facility and

the office of an inventory specialist at a grocery store are not considered separate or stand-alone office uses.

~~72.73.~~ **Outdoor Commercial Recreation.** A privately-owned commercial facility providing outdoor recreation, amusement, and entertainment services. Includes commercial batting cages, outdoor swimming pools, go-cart tracks, driving ranges, tennis courts, golf courses, miniature golf, and other similar uses. Excludes municipal parks and non-commercial recreational facilities (see “Parks and Playgrounds”).

~~73.74.~~ **Outdoor Storage, Non-Retail.** Non-retail storage of commercial goods in open lots as either a primary or secondary use. Excludes storage of merchandise for sale as part of a retail establishment (see “General Retail, Outdoor”).

~~74.75.~~ **Parking Lots and Structures.** Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is the primary use on the lot and not incidental to another on-site activity.

~~75.76.~~ **Parks and Playgrounds.** Parks and playgrounds as the primary use on the site that provides open space and/or outdoor recreational opportunities to the public. Includes athletic fields, picnic areas, tennis courts, tot lots, community gardens, cemeteries, and other similar outdoor facilities. Excludes indoor recreation centers (see “Government Facilities”).

~~76.77.~~ **Personal Services.** An indoor commercial establishment that typically provides one-on-one body-care related services that involve frequent visits by customers and that are typically scheduled on an appointment-basis. May involve limited product sales related to the service provided. Includes hair salons, nail salons, make-up application studios, skincare treatment salons, non-therapeutic massage, health spas, and other similar non-medical personal service uses. For therapeutic message and other clinical-health-related uses, see “Medical Offices and Clinics.”

~~77.78.~~ **Restaurants, Cafes, and Beverage Sales.** A business selling prepared food and/or beverages for on- or off-premise consumption. Includes full service, fast-food and carry-out restaurants, cafes, coffee shops, juice/smoothie bars, retail bakeries, and other similar eating and drinking establishments. Includes outdoor seating/service areas which are permitted by right. Excludes businesses primarily selling alcoholic beverages for on-site consumption (see “Bars and Nightclubs”). Excludes grocery stores and alcohol sales for off-site consumption (see “General Retail – Indoor”).

~~78.79.~~ **Public Agency Corporation Yard.** Governmental facilities that primarily provide storage, maintenance and repair of vehicles, equipment, and supplies.

~~79.80.~~ **Public Utility.** A permanent structure or facility providing a utility service to the general public. Includes generating plants, electric substations, solid waste collection, solid waste

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treatment and disposal, water or wastewater treatment plants, and similar facilities. Excludes electrical distribution lines, underground water/sewer lines, and similar utilities.

~~80-81.~~ **Recreational Vehicle Parks.** An establishment designed, established, or used for exclusive occupancy by two or more recreational vehicles. Recreational vehicle parks are owned by a single owner or organizations where RV spaces are temporarily rented or leased to a person occupying a recreational vehicle.

~~81-82.~~ **Recycling Collection Facility.** An incidental use that serves as a drop-off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on site.

~~82-83.~~ **Recycling Processing Facility.** A facility that receives and processes recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Includes salvage yards, upcycling, and vehicle salvage and wrecking.

~~83-84.~~ **Residential Lodging.** See Vacation Rental.

~~84-85.~~ **Resource Protection and Restoration.** Lands and management activities dedicated to the protection and conservation of natural resources, such as aquatic environments, wetland and sensitive riparian habitat, water recharge areas, and rare or endangered plant or animal habitat.

~~85-86.~~ **Schools, Public and Private.** Educational institutions providing instruction to minors as required by the California Education Code. Includes public and private elementary, junior high, and high schools.

~~86-87.~~ **Single-Family Home.** A residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

~~87-88.~~ **Single-Family Home, Attached (Townhome).** Two or more single-family dwelling units connected by common walls along the side property lines, sometimes called a townhouse or row house.

~~88-89.~~ **Single-Family Home, Detached.** A detached building that contains one single-family dwelling. Includes individual mobile homes and manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code and meeting the standards of 155.304.080 (Manufactured Housing) A detached single family home with an attached ADU remains a single-family home and is not considered a multi-family dwelling.

~~89-90.~~ **Single Room Occupancy (SRO).** See Micro/Shared Housing.

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~~90-91.~~ **Social Services.** Establishments providing group outpatient assistance and aid to those persons requiring counseling, services, activities, and/or treatment for psychological problems, addictions, learning disabilities, elderly, and physical disabilities. Includes welfare offices, child/adult protective services, service centers for disabled individuals, counseling centers for individuals with substance abuse disorder, and veteran services. Excludes homeless shelters (see “Emergency Shelters”), transitional and supportive housing (see “Non-medical Care Housing”), establishments providing individual (non-group) services (see “Medical Office”), after-school programs (see “Non-Commercial Places of Assembly”) and adult day care centers (see “Day Care Facility”).

~~91-92.~~ **Supportive Housing.** See Non-Medical Care Housing.

~~92-93.~~ **Timber Production and Harvesting.** The cutting and removal of timber or other solid wood forest products for commercial purposes together with all of the work incidental to the harvest including construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement. Excludes cutting or removal of timber for creating building pads and access to a legal building site when such cutting or removal is approved as a part of the building and/or encroachment permit. Also excludes removal of up to five commercial tree species in residential zoning districts in conformance with 155.304.140 (Tree Removal).

~~93-94.~~ **Transitional Housing.** See Non-Medical Care Housing.

~~94-95.~~ **Tree Removal in Residential Zones.** The cutting and removal of timber or other solid wood forest products for commercial purposes in conformance with 155.304.140 (Tree Removal).

~~95-96.~~ **Vacation Rental.** A dwelling unit or portions thereof located in a residential zoning district that is rented to guests for 30 consecutive calendar days or less. Includes two types of vacation rental, with the proprietor on-site and without the proprietor on-site as defined in 155.304.150 (Vacation Rental).

~~96-97.~~ **Vehicle Cleaning and Repair.** An establishment for the cleaning, detailing, repair, alteration, restoration, or finishing of any vehicle, including, but not limited to, car wash and vehicle cleaning and detailing facilities, body repair, collision repair, painting, ~~detailing,~~ tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Excludes cleaning and/or repair shops that are incidental to a vehicle sales or rental establishment on the same site (see “Vehicle Sales and Rentals (Indoor)”). ~~Excludes the sales of vehicles (see “Vehicle Sales and Rentals (Indoor)” and “General Retail – Outdoor”).~~ Excludes cleaning and/or repair shops that are incidental to a fuel or service station (see “Fuel and Service Stations”).

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~~97-98.~~ **Vehicle Sales and Rental (Indoor).** The indoor sale or rental of new or used automobiles, motorcycles, light trucks, recreational vehicles, boats, and other similar vehicles. Includes the sale of vehicle parts and vehicle cleaning and repair, provided that these activities are incidental to the sale of vehicles. Excludes the sale and rental of tractor trailers and construction equipment (see “Heavy Equipment Sales and Service”) and vehicle salvage and wrecking (see “Recycling Processing Facilities”). Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoors”).

~~98-99.~~ **Vehicle Towing and Impound.** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance, and the on-site storage of towed vehicle. May provide incidental services, such as vehicle storage and emergency road repair services.

~~99-100.~~ **Warehousing, Wholesale, and Distribution.** A use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes merchant wholesalers; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers and associations engaged in the cooperative marketing of farm products.

~~100-101.~~ **Wireless Communication Facility.** See Municipal Code Chapter 159.

Section 82.

Title XV, Chapter 155, Section 155.504.040, Division B is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.504.040 – Land Use Classification – Use Type

B. Commercial – Sales

1. **Automobile Sales/Repair.** See Vehicle Sales and Services/Rentals (Indoor), General Retail – Outdoor, Vehicle Cleaning and Repair, or Heavy Equipment Sales and Service.
2. **Bars and Nightclubs.** Businesses devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food and/or recreation, amusement, and entertainment services is-are only incidental to the consumption of such beverages. Includes cocktail lounges, taverns, ~~dance clubs,~~ and other similar uses. Excludes tasting rooms ancillary to breweries, wineries, and other alcoholic beverage production uses.

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3. **Drive-Thru Facility.** A facility where motorists may purchase products or obtain services without leaving their vehicles. Drive-thru facilities are a secondary use that must be associated with a primary use. Excludes vehicle fueling stations (see “Fuel and Service Stations”).
 - a. **Food-Serving Drive-Thru Facility.** A drive-thru facility associated with a “restaurants, cafes, and beverage sales” use.
 - b. **Non-food Serving Drive Thru Facility.** A drive-thru facility associated with another use (such as General Retail Indoor) that is not a “Food-Serving Drive-Thru Facility.”
4. **Car Dealership.** ~~See Vehicle Sales and Services.~~ See “Vehicle Sales and Rental (Indoor)” and General Retail – Outdoor.
5. **Food Truck.** See Mobile Vendor.
6. **Fuel and Service Stations.** A retail business supplying fuels, oil, and minor accessories for vehicles. Includes establishments supplying gasoline, hydrogen, and electric vehicle charging as a primary land use. Includes incidental food and beverage sales (maximum 3,500 square feet of convenience market), car wash facilities, and minor automotive repair and service. Excludes towing service (see “Vehicle Towing and Impound”) and body and fender work, painting, and other major automotive repairs or cleaning and detailing as a primary use (see “Vehicle Cleaning and Repair”). Excludes electric vehicle charging stations installed in parking spaces and/or parking lots.
7. **Gas Station.** See Fuel and Service Station.
8. **General Retail.** Stores and shops selling merchandise to the general public, and which may include related services. Includes antique shops, art galleries, automotive supply stores, book stores, clothing stores, convenience markets, gift shops, furniture stores, drug stores, florists, liquor stores, pet shops, retail bakeries, supermarkets, garden supply stores, lumber yards, and other similar retail-based establishments.
 - a. **General Retail – Indoor.** A general retail establishment where merchandise is stored and displayed indoors. Includes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Also includes temporary sidewalk displays of merchandise (which may require an Encroachment Permit and other permits). Excludes the prominent display/storage of merchandise in an outdoor setting as a part of regular business operations, which is a secondary use subject to separate limitations (see “General Retail – Outdoor”). General Retail – Indoor falls into three categories:
 - i. **Very Large General Retail – Indoor.** A general retail indoor facility that is larger than 50,000 square feet in total floor area.
 - ii. **Large General Retail – Indoor.** A general retail indoor facility that is between 20,000 square feet and 50,000 square feet.

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- iii. **Small General Retail – Indoor.** A general retail indoor facility that is less than 20,000 square feet in total floor area.
 - b. **General Retail – Outdoor.** A supplemental outdoor area associated with a primary use (such as General Retail – Indoor) where merchandise is prominently stored and/or displayed for sale outdoors in a designated outdoor area as a regular part of business operations. General Retail – Outdoor is a secondary use that must be combined with another use (such as General Retail – Indoor or Heavy Equipment Sales and Service) and must include a building on-site that hosts the primary use, such as “Business Services and Heavy Commercial” or “General Retail – Indoor.” General Retail – Outdoor includes boat/trailer sales, plant nurseries, garden supplies, lumberyards, statuary stores, headstone sales, and other similar establishments. Includes the outdoor sales of automobiles and large vehicle sales. Excludes purely indoor car dealerships (see “Vehicle Sales and Rental (Indoor)”) and purely indoor large vehicle sales (see “Heavy Equipment Sales and Services”). A car sales business with both indoor sales rooms and outdoor sales lots requires approval of both uses (“Vehicle Sales and Rental (Indoor)” and “General Retail – Outdoor”) and is subject to the regulations that apply to both uses. Excludes the temporary outdoor display of merchandise under covered-entryways, such as produce at grocery stores. Excludes the temporary sidewalk displays of merchandise (which may require an Encroachment Permit or other permits).
9. **Heavy Equipment Sales and Service.** Indoor retail establishments selling or renting industrial, construction, farm, or other heavy equipment for commercial use, including cranes, earth moving equipment, tractors, tractor trailers, combines, and heavy trucks. Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoor”).
10. **Mobile Vendor.** Any vehicle from which a product is made, sold, or distributed at retail.
11. **Restaurants, Cafes, and Beverage Sales.** A business selling prepared food and/or beverages for on- or off-premise consumption. Includes full service, fast-food and carry-out restaurants, cafes, coffee shops, juice/smoothie bars, retail bakeries, and other similar eating and drinking establishments. Includes outdoor seating/service areas which are permitted by right. Excludes businesses primarily selling alcoholic beverages for on-site consumption (see “Bars ~~and Nightclubs~~”). Excludes grocery stores and alcohol sales for off-site consumption (see “General Retail – Indoor”).
12. **Vehicle Sales and Rental (Indoor).** The indoor sale or rental of new or used automobiles, motorcycles, light trucks, recreational vehicles, boats, and other similar vehicles. Includes the sale of vehicle parts and vehicle cleaning and repair, provided that these activities are incidental to the sale of vehicles. Excludes the sale and rental of tractor trailers and construction equipment (see “Heavy Equipment Sales and Service”) and vehicle salvage and wrecking (see

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“Recycling Processing Facilities”). Outdoor display, storage, and sales is a secondary use subject to separate regulations and restrictions (see “General Retail – Outdoor~~s~~”).

Section 83.

Title XV, Chapter 155, Section 155.504.040, Division C is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.504.040 – Land Use Classification - Use Type

C. Commercial – Service and Office

1. **Adult Entertainment.** See 155.304.030 (Adult Entertainment).
2. **Business Services and Heavy Commercial.** Indoor commercial establishments providing goods and services to other businesses and/or engaged in heavy commercial activities that could impact neighboring properties. Includes contractor supply businesses, building contractors, large equipment repair, pipe yards, commercial dry-cleaning/laundry services, security services, custodial services, business-serving printers, taxi and delivery services, private ambulance dispatch services, property maintenance contractors, plumbing supply stores, and other similar businesses. Products and services may be provided to the general public only on a limited, secondary basis. Outdoor display, storage, and sales is a secondary use and is subject to separate regulations and restrictions (see General Retail – Outdoor).
3. **Car Share Facility.** A formal or informal membership organization that owns motor vehicles that are parked on-site or in off-site areas. Members use the motor vehicles under the terms of their membership.
4. **Check Cashing.** A retail business owned or operated by a "check casher" as that term is defined in California Civil Code section 1789.31.
5. **Commercial Lodging.** A commercial establishment in a non-residential zoning district providing overnight accommodations to guests for 30 consecutive calendar days or less. Commercial lodging establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests and the general public. Includes hotels, motels, hostels, and other similar commercial establishments. Also includes dwelling units or portions thereof located in a non-residential zoning district rented to guests for 30 consecutive calendar days or less.
6. **Day Care Facility.** A facility that provides nonmedical care and supervision of children or adults for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, adult day programs, and similar uses. Day

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care facilities may be operated in conjunction with a school or church facility, or as an independent land use.

7. **Family Day Care Home.** A state-licensed facility that regularly provides care, protection, and supervision for children, in the provider’s own home, for periods less than 24 hours per day, while the children’s parents or guardians are away. Family day care homes are a secondary use that must be associated with a primary use.
 - a. **Large Family Day Care Home.** A home that provides family day care for 9 to 14 children as defined in California Health and Safety Code Section 1597.465.
 - b. **Small Family Day Care Home.** A home that provides family day care for up to eight children as defined in California Health and Safety Code Section 1597.44.
8. **Fitness, Dance, or Health Facility.** An indoor fitness center, gymnasium, athletic club, dance studio, yoga studio, or other similar use.
 - a. **Large Fitness, Dance, or Health Facility.** A facility with a floor area of 8,000 square feet or more.
 - b. **Small Fitness, Dance, or Health Facility.** A facility with a floor area of less than 8,000 square feet.
9. **General Services.** An indoor commercial establishment that provides services to the general public, involves frequent visits by customers, and which may involve limited product sales related to the service provided. Includes banks, funeral parlors, ~~indoor commercial recreation establishments that do not sell alcohol (e.g., video arcades, indoor mini-golf, indoor batting cages)~~, laundromats, photocopy stores, customer-serving dry cleaners, household item repairs, veterinary clinics, tattoo/piercing parlors, customer-serving printers, animal grooming with no overnight boarding, recording studios, and other similar uses that provide on-site services to customers. Excludes places of employment that do not provide on-site services directly to customers (see “offices”) and facilities that provide medical services (see “Medical Care Services”). Excludes establishments that provide body-care related services (see “Personal Services”) and fitness-related establishments (see “Fitness, Dance, or Health Facility”). Excludes indoor commercial establishments that primarily provide recreation, amusement, and entertainment services (see “Indoor Commercial Recreation”), primarily serve alcoholic beverages (For alcohol-serving indoor commercial recreation establishments, see “Bars and Nightclubs”), or primarily sell prepared food and/or beverages or (see “Restaurants, Cafes, and Beverage Sales.”).
10. **Hospital.** Facilities providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. May include facilities for the takeoff and landing of helicopters.

11. **Hotel.** See Commercial Lodging.

12. **Indoor Commercial Recreation.** A privately-owned commercial facility providing indoor recreation, amusement, and entertainment services. Includes video arcades, movie theaters, bowling alleys, indoor mini-golf, indoor batting cages, and other similar uses. Excludes businesses primarily devoted to serving alcoholic beverages (see “Bars”) or primarily devoted to selling prepared food and/or beverages (see “Restaurants, Cafes, and Beverage Sales) for consumption by guests on the premises. Excludes establishments that provide body-care related services (see “Personal Services”) and fitness-related establishments (see “Fitness, Dance, or Health Facility”).

~~12.~~13. **Kennel-Animal Boarding.** A commercial facility for the keeping, boarding, training, breeding or maintaining of four or more dogs (four months of age or older), cats, or other household pet not owned by the facility owner or operator. Includes kennels, pet day care, and animal shelters. Excludes household pets for sale in pet shops (see “General Retail”) and veterinary clinics (see “General Services”).

~~13.~~14. **Medical Offices and Clinics.** Facilities where medical, mental, dental, vision, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, physical therapists, optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an outpatient basis. Includes mental health services such as marriage/family therapists, counselors, psychologists, psychiatrists, and other similar uses. Also includes alternative medicine facilities such as acupuncture, chiropractors, state-licensed therapeutic massage, nutritional consultation, herbalists, and other similar facilities. May include educational aspects such as medical instruction and/or training as well as house a laboratory, radiology/imaging, pharmacy, rehabilitation and other similar services as accessory uses.

~~14.~~15. **Motel.** See Commercial Lodging.

~~15.~~16. **Offices.** A place of employment occupied by businesses providing professional services. Includes offices for accountants, architects, insurance agents, attorneys, engineers, real estate agents, travel agents, artist studios, and other similar professions. Excludes businesses that provide regular service to frequent walk-in customers (see “General Services”), medical offices (see “Medical Offices and Clinics”), governmental offices (see “Governmental Facility”), and art galleries that are primarily intended to display saleable art and attract retail sales (see “General Retail – Indoor”). Internal office space that is incidental to a different primary use is not considered an “office” use. For example, a manager’s office at a manufacturing facility and the office of an inventory specialist at a grocery store are not considered separate or stand-alone office uses.

~~16.~~17. **Outdoor Commercial Recreation.** A privately-owned commercial facility providing outdoor recreation, amusement, and entertainment services. Includes commercial batting

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cages, outdoor swimming pools, go-cart tracks, driving ranges, tennis courts, golf courses, miniature golf, and other similar uses. Excludes municipal parks and non-commercial recreational facilities (see “Parks and Playgrounds”).

17-18. Parking Lots and Structures. Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is the primary use on the lot and not incidental to another on-site activity.

18-19. Personal Services. An indoor commercial establishment that typically provides one-on-one body-care related services that involve frequent visits by customers and that are typically scheduled on an appointment-basis. May involve limited product sales related to the service provided. Includes hair salons, nail salons, make-up application studios, skincare treatment salons, non-therapeutic massage, health spas, and other similar non-medical personal service uses. For therapeutic message and other clinical-health-related uses, see “Medical Offices and Clinics.”

19-20. Vacation Rental. A dwelling unit or portions thereof located in a residential zoning district that is rented to guests for 30 consecutive calendar days or less. Includes two types of vacation rental, with the proprietor on site and without the proprietor on-site as defined in 155.304.150 (Vacation Rental).

20-21. Vehicle Cleaning and Repair. An establishment for the cleaning, detailing, repair, alteration, restoration, or finishing of any vehicle, including, but not limited to, car wash and vehicle cleaning and detailing facilities, body repair, collision repair, painting, detailing, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Excludes cleaning and/or repair shops that are incidental to a vehicle sales or rental establishment on the same site (see “Vehicle Sales and Rentals (Indoor)”). ~~Excludes the sales of vehicles (see “Vehicle Sales and Rentals (Indoor)” and “General Retail – Outdoor”).~~ Excludes cleaning and/or repair shops that are incidental to a fuel or service station (see “Fuel and Service Stations”).

21-22. Vehicle Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance, and the on-site storage of towed vehicle. May provide incidental services, such as vehicle storage and emergency road repair services.

Section 84.

Title XV Chapter 155, Section 155.504.040, Division D, Paragraph 3 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.504.040 – Land Use Classification - Use Type

D. Industrial and Storage

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3. **Manufacturing, Heavy.** A facility accommodating manufacturing processes that involve or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, or transportation equipment, and where the use may cause significant impacts on surrounding land uses. Includes manufacturing of chemical products; concrete, gypsum, and plaster products; paving and roofing materials; plastics and other synthetics, and rubber products; lumber and other wood products; tires; mass-produced food and beverage products, including alcoholic beverage products, paving and petroleum-based roofing materials; lime products; glass products. Also includes petroleum refining and related industries, oil and gas processing facilities, and ready-mix concrete batch plants. Excludes sales of ready-mix concrete incidental retail establishment (see "General Retail, Outdoor"), artisan and craftsman type operations (see "Manufacturing, Artisan"), and recapping and retreading of automobile tires (see "Vehicle [Cleaning and Repair](#)"). May involve the use of toxic, hazardous, or explosive materials. May include limited tasting rooms ancillary to the craft production of alcoholic beverage production uses.

Section 84.

Title XV Chapter 155, Section 155.508.020, Division A is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

155.508.020 – Definitions

A. "A" Terms.

1. **Accessory Building.** A building occupied by an accessory use. Includes detached garages, storage buildings, and sheds.
2. **Accessory Structure.** A structure secondary and subordinate to the primary building on the same lot.
3. **Accessory Use.** A use that is subordinate to and dependent on the primary use on the same lot.
4. **Adaptive Reuse.** The reuse of an existing building or site for a purpose other than the original use.
5. **Addition.** Any development or construction activity that expands the footprint or increases the habitable floor area of a building.
6. **Adjacent Lots.** Lots that share an interior side lot line.
7. **Adult Entertainment.** See 155.304.030.C (Definitions).

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~~7-8.~~ **Advertise.** To provide a notice or announcement in a public medium promoting a product, service, brand, campaign, or event, or publicizing a job vacancy. Advertisement includes text displaying the name of a business, text displaying the name of a product, text publicizing a service, business-specific logos, and product-specific logos.

~~8-9.~~ **Alley.** A public or private roadway, not more than 30 feet wide, providing only secondary means of access to abutting property.

~~9-10.~~ **Allowed Land Use.** A land use permitted in a zoning district or overlay zone, either by right or with a Use Permit.

~~10-11.~~ **Allowed Use Tables.** Tables in Article 2 (Zoning District Standards) that identify allowed land uses and required permits within each zoning district.

~~11-12.~~ **Alteration.** See "Modification."

~~12-13.~~ **Ancillary Use.** A use subordinate to the principal use on the same lot and serving a purpose incidental to the principal use.

~~13-14.~~ **Applicant.** Any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seek City permits and approvals.

~~14-15.~~ **Arbor.** A shelter of vines or branches or of latticework covered with or intended to be covered with climbing shrubs or vines. See Figure 508-1.

Figure 508-1: Arbor



~~15-16.~~ **Attic.** The space within a building between the ceiling beams at the top story and the roof rafters.

~~16-17.~~ **Average Ground Slope.** See 155.112.090 (Slope) for rule of measurement.

~~17-18.~~ **Awning.** An overhang used as shelter attached to and projecting from an exterior building wall.

Section 85.

Title XV Chapter 155, Section 155.508.020, Division R is hereby amended to read as

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follows (*the remainder of the section is unchanged and is omitted*):

155.508.020 – Definitions

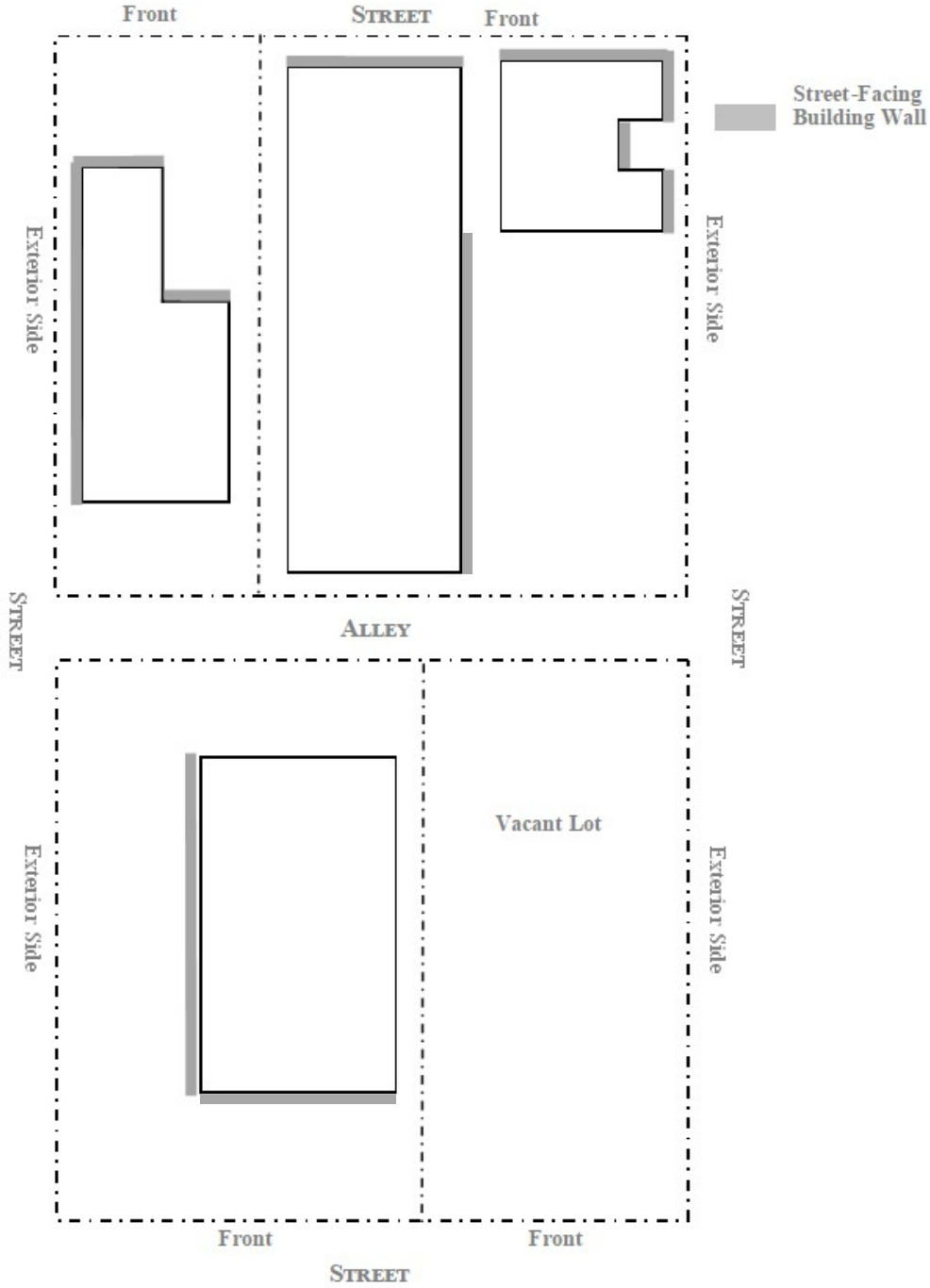
R. “R” Terms

1. **Recreational Vehicle (RV).** A vehicular-type unit designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The term “recreational vehicle” includes, but is not limited to:
 - a. Motor homes constructed as an integral part of a self-propelled vehicle.
 - b. Travel trailers built on a chassis and drawn by a motorized vehicle.
 - c. Campers mounted on a truck chassis.
 - d. Camping trailers and similar folding structures mounted on wheels.
 - e. Park trailers built on a single chassis, mounted on wheels, with a gross trailer area not exceeding 400 square feet in the setup mode, and certified by the manufacturer as complying with ANSI A119.5.
2. **Remodel.** A change or alteration in a building that does not increase the building’s square footage.
3. **Reconstruction.** See 155.424.040.E (~~Damage, Destruction, and Demolition~~ and Reconstruction).
4. Residential Property. Any property used for residential purposes. Examples include single-family homes, condos, cooperatives, duplexes, townhouses, and multifamily residences.
- ~~4.5.~~ Residential Zoning Districts. The zoning districts listed in 155.204 (Residential Zoning Districts).
- ~~5-6.~~ Resource-Related Zoning Districts. The zoning districts listed in 155.220 (Resource-Related Zoning Districts).
- ~~6-7.~~ Review Authority. The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Code.

Section 86.

Title XV, Chapter 155, Section 155.508.020, Division S, Paragraph 41, Figure 508-7 is hereby amended to read as follows (*the remainder of the section is unchanged and is omitted*):

Figure 508-7: Street-Facing Building Walls.



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PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2023 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2023, and hereby approved.

Kim Bergel, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2023.

Pamela J. Powell, City Clerk