ORDINANCE NO. 564

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 11 OF THE SANTEE MUNICIPAL CODE RELATING TO BUILDINGS AND CONSTRUCTION

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance; provided, however, that the findings in Ordinance 545 supporting adoption of the California Building Standards Code(s) are adopted as if restated in full herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict

therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 11 “Buildings and Construction” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 11.01 “Definitions” is added as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 11.02 “California Administrative Code” is restated without substantive amendment as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 11.04 “California Building Code” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 11.06 “California Residential Code” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 11.08 “California Electrical Code” is restated without substantive amendment as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 11.10 “California Mechanical Code” is restated without substantive amendment as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 11.12 “California Plumbing Code” is restated and amended as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 11.14 “California Energy Code” is restated without substantive amendment as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 11.16 “Historical Building Code” is restated without substantive amendment as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 11.18 “California Fire Code” is restated and amended as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 11.20 “California Existing Building Code” is restated without substantive amendment as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 11.22 “California Green Building Standards Code” is restated without substantive amendment as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 11.24 “Construction and Improvement Standards” is restated and amended as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.14. Chapter 11.26 “Referenced Standards Code” is restated without substantive amendment as set forth in Exhibit 14 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.15. Chapter 11.28 “Housing Regulations” is restated without substantive amendment as set forth in Exhibit 15 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.16. Chapter 11.30 “Abandoned Residential Property Registration” is restated and amended as set forth in Exhibit 16 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.17. Chapter 11.32 “Swimming Pools” is restated and amended as set forth in Exhibit 17 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.18. Chapter 11.34 “Moving and Temporary Storage of Buildings and Structures” is restated and amended as set forth in Exhibit 18 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.19. Chapter 11.36 “Flood Damage Prevention” is restated and amended as set forth in Exhibit 19 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.20. Chapter 11.38 “Drainage and Watercourses” is restated and amended as set forth in Exhibit 20 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.21. Chapter 11.40 “Excavation and Grading” is restated and amended as set forth in Exhibit 21 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.22. Chapter 11.42 “Improvements and Reimbursement” is restated and amended as set forth in Exhibit 22 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.23. Chapter 11.44 “Uniform Code for the Abatement of Dangerous Buildings” is added as set forth in Exhibit 23 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.24. Chapter 11.48 “Historical Landmarks” is amended and restated as set forth in Exhibit 24 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the "City of Santee Municipal Code Editorial Guidelines," and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law. In addition, this ordinance amends, recodifies, and authorizes republication with a new structural plan, pursuant to Government Code sections 50022.1-50022.10, and accordingly, publication of notice has occurred pursuant to Government Code section 6066. To the extent possible, publication has occurred or will occur simultaneously to satisfy the requirements of both Government Code sections 36933 and 6066.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of Santee, California, on the 22 day of May 2019. A public hearing was held on the 12th day of June 2019, and thereafter, this Ordinance was ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

CHAPTER 11.01 DEFINITIONS

11.01.010 Definitions.

For purposes of this title:

"City Engineer" means the Director or the person appointed by the City Manager or Director to fulfill the functions of City Engineer required by law, this code, or assigned by City Council, City Manager, or Director.

"Director" means the Director of development services.

EXHIBIT 2

CHAPTER 11.02 CALIFORNIA ADMINISTRATIVE CODE

11.02.010 Adoption.

The California Administrative Code, 2016 Edition, Chapter 11.02, is adopted by reference without change to the Buildings and Construction Code. (Ord. 545 § 4, 2016)

EXHIBIT 3

CHAPTER 11.04 CALIFORNIA BUILDING CODE

11.04.010 Adoption of the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's building code, the 2016 California Building Code, Part 2, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, Health and Safety Code Section 18901 *et seq*., and Appendix Chapters specified in as adopted by this chapter, and any rules and regulations promulgated pursuant thereto, together with all amendments set forth in this chapter.

Except as otherwise provided in this chapter and Chapter 11.02, the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures must conform to the building code. (Ord. 545 § 4, 2016)

11.04.020 Findings.

The City of Santee has many large brush-covered hillsides. The City is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The City Council specifically finds that these geographic and topographic conditions necessitate greater fire protection than that provided by the 2016 California Building Code. Therefore, this chapter alters the 2016 California Building Code, to require more fire retardant roof coverings. (Ord. 545 § 4, 2016)

11.04.030 Deletions, revisions and additions to the 2016 California Building Code.

Deletions, revisions and additions to the 2016 California Building Code are set forth as follows:

A. Section 104.7.1 of the California Building Code is added to read as follows:

Section 104.7.1 Permit History Survey. Upon receipt of a written request from the owner of a parcel of property for a Permit History Survey, and the payment of the fee specified in a resolution adopted by the City Council, the Building Official may review city records and provide a report listing those building, plumbing, electrical and mechanical permits that have been issued for a specific parcel of property.

B. Section 105.2 of the California Building Code is amended by adding the following Subsection 14 through 18:

14. Satellite dish antenna.

15. Attached or detached open residential patio covers, detached pergola and detached gazebo structures or similar detached structures up to 120 square feet in projected roof area, associated with a single family (R-3 occupancy) residence, subject to the following conditions:

(a) The property is not located in a Very-High Fire Hazard Severity Zone (VHFHSZ);

(b) The structure is located in the side or rear yard of a property;

(c) If attached to the principal residence, the setbacks for the main building apply;

(d) If detached from the principle residence, the supporting posts must be located a minimum of five (5) feet from the property line;

(e) The structure does not contain electrical circuit(s) or gas lines;

(f) The structure is not to be used as a carport.

16. Decks and platforms associated with single family (R-3 occupancy) structures, not exceeding 200 square feet in area; not exceeding 30 inches above grade at any point, not serving as required exiting, and not located in the VHFHSZ.

17. Trellis or arbors when used for decoration, entrance ways, or gardening when not taller than eight feet and when not used as a fence.

18. Fences not over 8 feet high, where permitted to be installed by City Zoning Code in commercial and industrial zones.

C. Section 105.3.1.1 of the California Building Code is added to read as follows:

Section 105.3.1.1 Permits will not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer or his/her representative notifies the Building Official in writing that grading or public improvements have been satisfactorily completed.

Permits will not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

D. Section 109 of the California Building Code is deleted and replaced with the following:

Section 109.1 FEES

Section 109.2 GENERAL. Fees will be assessed as set forth in a resolution adopted by the City Council.

Section 109.3 PERMIT FEES. The fee for each permit is set forth in a resolution adopted by the City Council.

The Building Official will determine the value or valuation under any of the provisions of these codes. The value to be used in computing building permit and building plan review fees is the total value of all construction work for which the permit is issued as well as all finish work,

painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment. The permit fees for those projects subject to State energy code compliance and /or State disabled access regulation compliance are set forth in a resolution adopted by the City Council.

Section 109.4 PLAN REVIEW FEES. When submittal documents are required by Section 107, a plan review fee must be paid at the time of submitting the submittal documents for plan review. The plan review fee is set forth in a resolution adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.3 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee will be charged at the rate set forth in a resolution adopted by City Council.

Section 109.5 EXPIRATION OF PLAN REVIEW. An application expires one year after it is submitted unless a permit is issued. The Building Official may extend an applicant's time for acting for a period not to exceed one year on written request by the applicant showing that circumstances beyond the control of the applicant have prevented the applicant from taking appropriate action. The Building Official may not extend an applicant's time for acting more than once. An applicant's time for acting may not be extended if any relevant portion of this code, or other pertinent law or ordinance has been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant must resubmit plans and pay a new plan check fee. The Building Official may return or destroy plans and other data submitted for review with an application after the application expires.

Section 109.6 INVESTIGATION FEES: WORK WITHOUT A PERMIT.

Section 109.6.1 INVESTIGATION. Whenever any work has been done without a required permit, the Building Official may undertake a special investigation before a permit may be issued for such work and may require payment of the fee set forth in Section 109.6.2.

Section 109.6.2 FEE. An applicant for a permit for work that has been done without a required permit must pay an investigation fee in addition to the permit fee. The investigation fee is equal to the amount of the permit fee required by this code. Payment of the investigation fee does not exempt an applicant from compliance with all applicable provisions of this code and the technical codes or from any penalty prescribed by law.

Section 109.7 FEE REFUNDS. The Building Official may refund 100% of any fee erroneously paid or collected.

The Building Official may refund no more than 80% of a permit fee when no work has been done under a permit issued in accordance with this code.

The Building Official may refund no more than 80% of the plan review fee when the application for a permit is withdrawn or cancelled before the City undertakes any work.

The Building Official may not refund any fee unless the original permittee submits a written refund application within one year after paying the fee.

Section 109.8 PERMIT HISTORY SURVEY FEE. The fee for conducting a permit history survey for an existing structure or facility is set forth in a resolution adopted by City Council.

Section 109.9 DEMOLITION PERMIT FEE. The fee for a permit to demolish a building is set forth in a resolution adopted by the City Council.

Section 109.10 FEE EXCEPTIONS: The government of the United States of America, the State of California, local school districts proposing work exempt from building permits, the County of San Diego, and the City are not required to pay for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by City Council apply.

E. Section 111 of the California Building Code is amended to read as follows:

Section 111.1 CERTIFICATE ISSUED. The Building Official is authorized to inspect buildings and structures for compliance with this code and issue a certificate of occupancy. When the Building Official inspects a building or structure and finds no violations of this code or other applicable laws enforced by the building division, the Building Official will indicate compliance on an Inspection Report Card. The completed and signed Inspection Report Card serves as the Certificate of Occupancy.

F. Section 113.1 of the California Building Code is amended to read as follows:

Section 113.1 General. The City Council serves as the appeal board for determinations, decisions, and orders of the Building Official regarding interpretation of technical codes. An applicant may appeal the order, decision, or determination of the Building Official by filing a written appeal with the City clerk within ten days after the date of the written decision in accordance with Chapter 1.14.

G. Section 114.4 of the California Building Code is deleted and replaced with the following:

Section 114.4 Violations. Any person who violates any provision of this code or the technical codes is guilty of a misdemeanor and upon conviction thereof, will be fined an amount not to exceed five hundred dollars, or imprisoned for a period of not more than six months in the county jail, or both fine and imprisonment.

H. Section 114.5 of the California Building Code is added as follows to read:

Section 114.5 Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished, equipped, used, occupied, or maintained contrary to the provisions of this code is declared to be unlawful and a public nuisance. The Enforcement Official and City Attorney are authorized to undertake any enforcement action authorized in Title 1 to abate, remove, enjoin, or remedy such public

nuisance in the manner provided by law. Any failure, refusal of neglect to obtain a permit as required by this chapter is prima facie evidence of the fact that the public nuisance has been committed.

I. Add the following to the end of the first paragraph of Section 1505.1 General:

Section 1505.1 Any reroofing or roof repair using wood single or shake material in an area that exceeds 25% of the projected roof area in any 12 month period must comply with the requirements for new roof installations or a minimum of Class B Rating

(Ord. 545 § 4, 2016)

11.04.040 Table 1505.1 amended.

Table 1505.1 of the 2016 California Building Code and the International Building Code, 2015 Edition, is amended to read as follows:

TABLE 1505.1

MINIMUM ROOF COVERING CLASSIFICATION FOR TYPE OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

(Ord. 545 § 4, 2016)

11.04.050 Appendices C, H and I adopted.

Appendix C, H and I are adopted. (Ord. 545 § 4, 2016)

EXHIBIT 4

CHAPTER 11.06 CALIFORNIA RESIDENTIAL CODE

11.06.010 Adoption of the 2016 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's residential code, the 2016 California Residential Code, published by the California Building Standards Commission, and any rules and regulations promulgated pursuant thereto, together with all amendments set forth in this chapter.

Except as otherwise provided in this chapter and Chapter 11.02, the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade within the City of Santee must comply with the City's residential code.

A. Section R104.7.1 of the California Residential Code is added to read as follows:

Section R104.7.1 Permit History Survey. Upon receipt of a written request from the owner of a parcel of property for a Permit History Survey, and the payment of the fee specified in a resolution duly adopted by the City Council, the Building Official may review City records and provide a report listing those building, plumbing, electrical and mechanical permits that have been issued for a specific parcel of property.

B. Section R105.2 of the California Residential Code is amended by modifying Subsection 10 and adding the following Subsection 11 through 16:

1. through 9. remains unchanged.

10. Decks on properties not located in a Very-High-Fire Hazard Severity Zone (VHFHSV).

11. Satellite dish antenna.

12. Attached or detached open residential patio covers, detached pergola and detached gazebo structures or similar detached structures up to 120 square feet in projected roof area, associated with a single family (R-3 occupancy) residence, subject to the following conditions:

    (a) The property is not located in a Very-High Fire Hazard Severity Zone (VHFHSZ);

    (b) The structure is located in the side or rear yard of a property;

    (c) If attached to the principal residence, the setbacks for the main building apply;

(d) If detached from the principle residence, the supporting posts must be located a minimum of five (5) feet from the property line;

(e) The structure does not contain electrical circuit(s) or gas lines;

(f) The structure is not to be used as a carport.

C. Section R105.3.1.2 of the California Residential Code is added to read as follows:

Section R105.3.1.1 Permits will not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer or his/her representative notifies the Building Official in writing that grading or public improvements have been satisfactorily completed.

Permits will not be issued if the City Engineer determines that flooding or geologic conditions at the site may endanger the public safety or welfare.

D. Section R108 of the California Building Code is deleted and replaced with the following:

Section R108.1 FEES

Section R108.2 GENERAL. Fees are set forth in a resolution adopted by the City Council.

Section R108.3 PERMIT FEES. The fee for each permit is set forth in a resolution adopted by the City Council.

The Building Official will determine the value or valuation under any of the provisions of these codes. The value to be used in computing building permit and building plan review fees is the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment. The permit fees for those projects subject to State energy code compliance and /or State disabled access regulation compliance are set forth in a resolution adopted by the City Council.

Section R108.4 PLAN REVIEW FEES.

When submittal documents are required by Section R106, a plan review fee must be paid at the time of submitting the submittal documents for plan review. The plan review fee is set forth in a resolution adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section R108.3 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee will be charged at the rate set forth in a resolution adopted by City Council.

Section R108.5 EXPIRATION OF PLAN REVIEW. An application expires one year after it is submitted unless a permit is issued. The Building Official may extend an applicant's time for acting for a period not to exceed one year on written request by the applicant showing that circumstances beyond the control of the applicant have prevented the applicant from taking appropriate action. The Building Official may not extend an applicant's time for acting more than once. An applicant's time for acting may not be extended if any relevant portion of this code, or other pertinent law or ordinance has been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant must resubmit plans and pay a new plan check fee. The Building Official may return or destroy plans and other data submitted for review with an application after the application expires.

Section R108.6 INVESTIGATION FEES: WORK WITHOUT A PERMIT.

Section R108.6.1 INVESTIGATION. Whenever any work has been done without a required permit, the Building Official may undertake a special investigation before a permit may be issued for such work and may require payment of the fee set forth in Section R108.6.2.

Section R108.6.2 FEE. An applicant for a permit for work that has been done without a required permit must pay an investigation fee in addition to the permit fee. The investigation fee is equal to the amount of the permit fee required by this code. Payment of the investigation fee does not exempt an applicant from compliance with all applicable provisions of this code and the technical codes or from any penalty prescribed by law.

Section R108.7 FEE REFUNDS.

The Building Official may refund 100% of any fee erroneously paid or collected.

The Building Official may refund no more than 80% of a permit fee when no work has been done under a permit issued in accordance with this code.

The Building Official may refund no more than 80% of the plan review fee when the application for a permit is withdrawn or cancelled before the City undertakes any work.

The Building Official may not refund any fee unless the original permittee submits a written refund application within one year after paying the fee.

Section R108.8 PERMIT HISTORY SURVEY FEE. The fee for conducting a permit history survey for an existing structure or facility is set forth in a resolution adopted by City Council.

Section R108.9 DEMOLITION PERMIT FEE. The fee for a permit to demolish a building is set forth in a resolution adopted by the City Council.

Section R108.10 FEE EXCEPTIONS: The government of the United States of America, the State of California, local school districts proposing work exempt from building permits, the County of San Diego, and the City are not required to pay for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by City Council apply.

E. Section R110 of the California Building Code is amended to read as follows:

Section R110.1 CERTIFICATE ISSUED. The Building Official is authorized to inspect buildings and structures for compliance with this code and issue a certificate of occupancy. When the Building Official inspects a building or structure and finds no violations of this code or other applicable laws enforced by the building division, the Building Official will indicate compliance on an Inspection Report Card. The completed and signed Inspection Report Card serves as the Certificate of Occupancy.

F. Section R112.1 of the California Residential Code is added to read as follows:

Section R112.1 General. The City Council serves as the appeal board for determinations, decisions, and orders of the Building Official regarding interpretation of technical codes. An applicant may appeal the order, decision, or determination of the Building Official by filing a written appeal with the City clerk within ten days after the date of the written decision in accordance with Chapter 1.14.

G. Section R113.4 of the California Residential Code is replaced as follows to read:

Section R113.4 Violations. Any person who violates any provision of this code or the technical codes is guilty of a misdemeanor and upon conviction thereof, will be fined an amount not to exceed five hundred dollars, or imprisoned for a period of not more than six months in the county jail, or both fine and imprisonment.

H. Section R113.5 of the California Residential Code is added as follows to read:

Section R113.5 Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished, equipped, used, occupied, or maintained contrary to the provisions of this code is declared to be unlawful and a public nuisance. The Enforcement Official and City Attorney are authorized to undertake any enforcement action authorized in Title 1 to abate, remove, enjoin, or remedy such public nuisance in the manner provided by law. Any failure, refusal of neglect to obtain a permit as required by this chapter is prima facie evidence of the fact that the public nuisance has been committed.

I. Section R902.1.3 of the California Residential Code is altered to read as follows:

Section R902.1.3 Roof Coverings in all other areas. Alter the class of roof coverings in R902.1.3 at the end of the paragraph from “Class C” to “Class B.”

(Ord. 545 § 4, 2016)

EXHIBIT 5

CHAPTER 11.08 CALIFORNIA ELECTRICAL CODE

11.08.010 Adoption of the 2016 California Electrical Code, Part 3, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's electrical code, the 2016 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code based on the National Electrical Code, 2014, and any rules and regulations promulgated pursuant thereto, together with all amendments set forth in this chapter.

Except as otherwise provided in this chapter and Chapter 11.02, the installation, alteration and repair of electrical systems within the City must conform to the City's electrical code. (Ord. 545 § 4, 2016)

EXHIBIT 6

CHAPTER 11.10 CALIFORNIA MECHANICAL CODE

11.10.010 Adoption of the 2016 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's mechanical code, the 2016 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. based on the Uniform Mechanical Code, 2015 Edition, and any rules and regulations promulgated pursuant thereto.

Except as otherwise provided by this chapter and Chapter 11.02, the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances must conform to the City's mechanical code and any rules and regulations published by the California Building Standards Commission. (Ord. 545 § 4, 2016)

EXHIBIT 7

CHAPTER 11.12 CALIFORNIA PLUMBING CODE

11.12.010 Adoption of the 2016 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's plumbing code, the 2016 California Plumbing Code, Part 5, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. based on the Uniform Plumbing Code 2015 Edition, and any rules and regulations promulgated pursuant thereto, together with all amendments set forth in this chapter

Except as otherwise provided by this chapter or Chapter 11.02, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the City must comply with the City's plumbing code. (Ord. 545 § 4, 2016)

11.12.020 Deletions and Additions to the 2016 California Plumbing Code and the Uniform Plumbing Code, 2015 Edition.

Deletions and additions to the 2016 California Plumbing Code are set forth in sections 11.12.020 and 11.12.030.

A. Section 104.1.1 of the California Plumbing Code is added as follows to read,

Section 104.1.1 SOLAR WATER HEATERS PRE-PLUMBING AND STORAGE TANK SPACE REQUIREMENT.

1. Notwithstanding any provisions in this chapter to the contrary, no permit for a new residential building may be issued on an application submitted after the effective date of the ordinance adding this Section 104.1.1 unless all of the following occur:

   (a) the building includes plumbing and adequate space for installation of a solar storage tank specifically designed to allow the later installation of a system which utilizes solar energy as the primary means of heating domestic potable water;

   (b) the plumbing required pursuant to this section is indicated in the building plans;

   (c) pre-plumbing and storage tank configuration are designed to the satisfaction of the administrative authority.

2. The administrative authority is authorized to exempt those applications from the provisions of this section which the administrative authority determines do not

have feasible solar access due to shading, building orientation, construction constraints, or configuration of the subdivision parcel.

B. Section 104.1.2 of the California Plumbing Code is added as follows to read,

Section 104.1.2 SWIMMING POOL HEATERS.

1. Notwithstanding any provisions of this chapter to the contrary, no permit may be issued for a new or replacement fossil fuel swimming pool heater unless a solar system with a collector area a minimum of 50% of the surface area of the swimming pool being heated is also installed as the primary heat source for the swimming pool.

2. A fossil fuel swimming pool heater is defined as one which uses nonrenewable fuel, including but not limited to natural gas, propane, diesel and electricity.

3. As used in this section a swimming pool means any confined body of water exceeding two feet in depth, greater than 150 square feet in surface area, and located either above or below the existing finished grade of the site, designed, used or intended to be used for swimming, bathing or therapeutic purposes.

EXCEPTION: A separate spa and a spa built in conjunction with a swimming pool may be heated by fossil fuels, provided the heating source cannot be used to heat the swimming pool.

4. Notwithstanding other provisions of this section, the owner of a swimming pool may request a waiver of all, or a portion, of the requirements contained in this section when topographic conditions, development, or existing trees on or surrounding the swimming pool or probable location of the solar collection system preclude effective use of the solar energy system due to shading; or the swimming pool is located in a permanent, enclosed structure.

5. An applicant dissatisfied with a decision of the administrative authority relating to modification or waiver under this section may appeal the decision to the City Council by filing a written appeal with the City Clerk within ten days of the issuance of the written decision in accordance with Chapter 1.14. The decision of the City Council in the case of any such appeal is final.

(Ord. 545 § 4, 2016)

11.12.030 Appendices A, B, D, G and I adopted.

Appendix Chapters A, B, D, G and I of the 2016 California Plumbing Code, are adopted. (Ord. 545 § 4, 2016)

EXHIBIT 8

CHAPTER 11.14 CALIFORNIA ENERGY CODE

11.14.010 Adoption of the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's energy code, the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. and the California Energy Code, 2016 Edition, and any rules and regulations promulgated pursuant thereto.

Except as otherwise provided by Chapter 11.02, all construction of buildings where energy will be used must conform to the City's Energy Code. (Ord. 545 § 4, 2016)

EXHIBIT 9

CHAPTER 11.16 HISTORICAL BUILDING CODE

11.16.010 Adoption of the 2016 California Historical Building Code, Part 8, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference the California Historic Building Code, 2016 edition without change. (Ord. 545 § 4, 2016)

EXHIBIT 10

CHAPTER 11.18 CALIFORNIA FIRE CODE

11.18.010 Adoption of the 2016 California Fire Code, Part 9, Title 24 of the California Code of Regulations, which incorporates and amends the International Fire Code 2015 Edition with certain local amendments.

The city adopts and incorporates by reference, as the City's fire code, the 2016 California Fire Code, Part 9, Title 24 California Code of Regulations, a portion of the California Building Standards Code and any rules and regulations promulgated pursuant thereto, and the International Fire Code, including Appendix Chapters 4, B, BB, C, CC, E, F, G, H, I and J, published by the International Code Council, 2015 Edition thereof, and the California Amendments thereto, as incorporated into California law under Title 24 of the California Code of Regulations, together with all amendments set forth in this chapter.

Except as otherwise provided by this chapter and Chapter 11.02, the planning, design, operation, construction, use and occupancy of every newly constructed building or structure must conform with the City's fire code.

No fewer than three copies of these codes and standards have been, and are now filed in the office of the City Fire Department with one copy on file in the office of the City Clerk per Government Code Section 50022.6. (Ord. 545 § 4, 2016)

11.18.020 Amendments made to the California Fire Code.

The California Fire Code, 2016 Edition, is amended and changed in the following respects:

A. **CHAPTER 3 AMENDED - GENERAL PRECAUTIONS AGAINST FIRE**

1. Section 307.4.3 is hereby amended to read as follows:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces must comply with all the following restrictions:

307.4.3.1 Portable outdoor fireplaces must be used in accordance with the manufacturer's instructions. The use of washing machine tub fireplaces and other similar devices as outdoor fireplaces is prohibited within Santee City limits.

307.4.3.2 Portable outdoor fireplaces must be constructed of steel or other approved non-combustible materials.

307.4.3.3 During operation, a portable outdoor fireplace must be covered with a metal screen or welded or woven wire mesh spark arrestor with openings no larger than $^1/_4$″ to reduce airborne embers.

307.4.3.4 Portable outdoor fireplaces must be used only on a non-combustible surface or bare ground, void of all vegetation.

307.4.3.5 Portable outdoor fireplaces must be operated at least 15 feet away from all combustible materials or structures and must not be used under eaves, patio covers or other shade structures.

307.4.3.6 Portable outdoor fireplaces must be supervised at all times when in use and extinguished when no longer being used.

307.4.3.7 A garden hose or 4A fire extinguisher must be readily available at all times when the outdoor portable fireplace is in operation.

307.4.3.8 The burning of trash, rubbish or paper products is strictly prohibited.

307.4.3.9 The Fire Code Official or other Fire Department representative is authorized to order extinguishment at any time because of misuse, objectionable situation, hazardous weather, or any other safety concern.

B. **CHAPTER 5 AMENDED - FIRE SERVICE FEATURES**

1. Section 503.2.1 is hereby amended by replacing language to read as follows:

503.2.1 Dimensions (Fire Apparatus Access Roads). Fire apparatus access roads must have an unobstructed width of not less than 26 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

EXCEPTION: A fire apparatus access road may be reduced to an unobstructed width of not less than 16 feet (or other approved width) when in the opinion of the Fire Chief the number of vehicles using the roadway will not limit or impair adequate emergency fire department access.

2. Section 503.2.3 is hereby amended to read as follows:

503.2.3 Surface. Fire apparatus access roads must be designed and maintained to support the imposed loads of fire apparatus and must be provided with an approved paved surface. In new development, all underground utilities, hydrants, water mains, curbs, gutters and sidewalks must be installed and the drive surface must be approved prior to combustibles being brought on site.

3. Section 503 is hereby amended by adding Subsections 503.7 and 503.8 to read as follows:

503.7 Gates across fire apparatus access roads. All gates and other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Fire Chief/Fire Code Official, and receive specific plan approval. Written plans must be submitted for approval and approved prior to the installation of any gate or other similar obstruction. Gates must be equipped with approved emergency locks or locking devices.

503.8 Automatic gates. All automatic gates across fire apparatus access roads must be

equipped with approved emergency key switches. Gates serving more than four residential dwellings or gates serving projects that, in the opinion of the Fire Chief/Fire Code Official, require a more rapid emergency response, must be equipped with an approved strobe activating sensor(s) to open the gate upon approach of emergency apparatus. All gates must have a manual release device to open the gate upon power failure.

4. Section 505 is hereby amended by adding Subsection 505.3 to read as follows:

505.3 Map/Directory. A lighted Directory map meeting current Santee Fire Department standards must be installed at each driveway entrance or other approved location(s) to multiple unit residential projects 15 units or more and other occupancies when in the opinion of the Fire Chief the Directory will enhance emergency response to the project.

C. **CHAPTER 9 AMENDED – FIRE PROTECTION SYSTEMS**

1. Section 903.2 is hereby amended adding Subsections 903.2(a) and 903.2(b) to read as follows:

903.2(a) Automatic fire sprinkler system required. The installation of an approved automatic fire sprinkler system is required in all buildings, regardless of size, occupancy, or area separation. Sprinklers are required in all additions made to existing buildings equipped with automatic fire sprinkler system. “Fire walls” and “Area or Occupancy Separation Walls” regardless of construction rating do not constitute separate buildings for purposes of determining fire sprinkler requirements. An approved fire sprinkler system is required in an existing non-sprinklered building when a change of occupancy classification occurs.

EXCEPTION: Kiosks, sheds, out-buildings, small temporary buildings and other small buildings may not need an automatic fire sprinkler system if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

903.2(b) Automatic fire sprinkler system required additions. An approved automatic fire sprinkler system must be installed in any existing non-sprinklered buildings where structural additions are made greater than 5,000 square feet or resulting in a 50% increase in the size of the building. In this situation the entire building is required to be equipped with an approved automatic fire sprinkler system.

EXCEPTION: Group R, Division 3 occupancies.

2. Section 903.4.2 is hereby amended by replacing language to read as follows:

903.4.2 Alarms. One or more exterior approved audio/visual device(s) must be connected to every automatic sprinkler system in an approved location. Such sprinkler water-flow alarm devices must be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system must actuate the building fire alarm system.

3. Section 905 is hereby amended by adding Subsection 905.3(a) to read as follows:

905.3(a) Required installations. A wet standpipe system must be installed in all levels of any parking structures below or above grade.

D. **CHAPTER 23 AMENDED - MOTOR VEHICLE FUEL-DISPENSING FACILITIES AND REPAIR GARAGES**

1. Section 2306.2.3 is hereby amended by replacing language for exception 3 to read as follows:

2306.2.3 Above-ground tanks located outside, above grade, exception 3.

3. Tanks containing fuels must not exceed 1,500 gallons of Class I liquids, 12,000 gallons of Class II liquids in individual capacity and 26,000 gallons in aggregate capacity. Installations with the maximum allowable capacity must be separated from other installations by not less than 100 feet.

E. **CHAPTER 49 AMENDED – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE (WUI) AREAS**

1. Section 4903 is hereby amended to read as follows:

4903 Fire Protection Plan. A Fire Protection Plan (FPP), approved by the Fire Chief, is required for all new development within declared Fire Hazard Severity Zones and/or Wildland-Urban Interface (WUI) areas.

The FPP must include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation, and climate of the proposed site.

The FPP must address access, water supply, building ignition fire resistance, fire protection systems and equipment, defensible space and vegetation management.

2. Section 4905.2 is hereby amended to read as follows:

4905.2 Construction methods and requirements within established limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure must comply with the wildfire protection building construction requirements contained in the California Building Standards Code including the following:

(a) California Building Code Chapter 7A,

(b) California Residential Code Section R327,

(c) California Reference Standards Code Chapter 12-7A

(d) Santee Local Amendments and applicable amendments

3. Section 4905.2 is hereby amended adding Subsections 4905.2.1 through 4905.2.3.

4905.2.1 Construction materials within Fire Hazard Severity Zones and/or Wildland Urban Interface areas. Prior to combustible materials being brought on site, utilities must be in place, fire hydrants operational, an approved all-weather roadway must be in place, and the fuel modified defensible space must be established and approved by the fire code official.

4. Section 4907 is hereby amended by adding Subsections 4907.2, 4907.2.1, 4907.2.2 and 4907.2.3.

4907.2 Fuel Modified Defensible Space. All new developments, subdivisions and tracts that are planned in Fire Hazard Severity Zones and/or Wildland Urban Interface Areas must have a minimum of 100 horizontal feet of "fuel modified" defensible space between structures and wildland areas. Depending on the percentage of slope and other wildland area characteristics, the Fuel Modified Defensible Space may be increased beyond 100 feet. Fuel Modified Defensible Space must be comprised of two distinct brush management areas referred to as, "Zone One" and "Zone Two."

4907.2.1 Fuel Modified Defensible Space, Zone One. "Zone One" is the first 50 feet measured from the structure toward the wildland. This area is the least flammable, and consists of pavement, walkways, turf and permanently landscaped, irrigated and maintained ornamental planting. This vegetation should be kept in a well-irrigated condition and cleared of dead material. This area requires year-round maintenance. Fire resistive trees are allowed if placed or trimmed so that crowns are maintained more than 10 feet from the structure. Highly flammable trees such as, but not limited to conifers, eucalyptus, cypress, junipers and pepper trees are not allowed in WUI areas. This area must be maintained by the property owner or applicable homeowners association(s).

4907.2.2 Fuel Modified Defensible Space, Zone Two. "Zone Two" is the second 50 feet of the 100 total feet of defensible space and is measured 50 feet from the structure to a total of 100 feet toward the wildland. Zone Two consists of low-growing, fire-resistant shrubs and ground covers. Average height of new plants for re-vegetation should be less than 24 inches. In this Zone, no more than 30% of the native, non-irrigated vegetation may be retained. This area requires inspection and periodic maintenance. This area must be maintained by the property owner or applicable homeowners association(s).

4907.2.3 Defensible space adjacent to roadways. An area of 50 feet from each side of fire apparatus access roads and driveways must be improved to "Zone One" standards and maintained clear of all but fire-resistive vegetation. This area must be maintained by the property owner or homeowners associations as with other defensible space areas. Defensible space adjacent to roadways may be increased to more than 50 feet on each side of a fire apparatus access road. This distance is to be determined by the approved Fire Protection Plan.

5. Chapter 49 is hereby amended by adding Section 4908 to read as follows:

4908 Special Fire Protection Requirements.

4908.1 Combustible fencing. Fencing within Fire Hazard Severity Zones and/or Wildland Urban Interface Areas must consist of noncombustible or approved materials. The closest five (5) feet of fencing to any structure must be approved noncombustible.

4908.2 Outdoor fireplaces, barbecues and grills. Outdoor fireplaces, barbecues and grills must not be built, or installed in Fire Hazard Severity Zones and/or Wildland Urban Interface Areas without plan approval by the Fire Code Official. Portable outdoor fireplaces and other wood burning appliances are strictly prohibited within Fire Hazard Severity Zones and Wildland Urban Interface Areas.

4908.3 Spark arresters. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel are used, must be provided with a spark arrester of woven or welded wire screening of 12-gauge standard wire having openings not exceeding $^1/_4$ inch.

4908.4 Storage of firewood and combustible materials. Firewood and combustible materials must not be stored in unenclosed spaces beneath buildings or structures, or on decks, under eaves, canopies or other projections or overhangs and must be stored at least 20 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.

4908.5 Water supply. All water systems, specifically fire hydrants and storage tanks, must be approved by the Fire Department. Fire hydrants within Fire Hazard Severity Zones or Wildland Urban Interface Areas must be spaced every 300 feet and must have a fire flow of 2500 gallons per minute or a fire flow approved by the Fire Chief. Developments that require new or "stand alone" water storage facilities may also be required to provide secondary or back-up systems, such as independently powered pumps that will ensure adequate water supply for firefighting emergencies.

4908.6 Wildland access. To adequately deploy resources to protect structures threatened by wildfires, emergency access to wildland areas may be required. Access may include but is not limited to, gated vehicle access points and/or personnel corridors between homes or structures. The need, number, and location of wildland access points will be determined by the Fire Code Official.

F. CHAPTER 56 AMENDED - EXPLOSIVES AND FIREWORKS

Chapter 56 is hereby amended by adding Section 5607 to read as follows:

5607 Blasting

5607.1 Scope. Section 5609 regulates blasting operations within the City of Santee.

5607.2 Grading permit required. Section 5609 applies to any project or construction operation where a grading permit is required. A grading permit must be approved and issued by the Engineering Department of the City of Santee prior to the issuance of a blasting permit issued by the Fire Department for blasting at construction sites.

5607.3 Definitions. For the purpose of this Division the following definitions apply:

Approved Blaster is a blaster who has been approved by the Fire Chief to conduct blasting operations in the City of Santee and who has been placed on the list of approved blasters.

Blaster is any person, corporation, contractor or other entity who uses, ignites, or sets off an explosive device or material.

Inspector is any person who has been approved by the Fire Chief to conduct pre and post blast inspections in the City of Santee.

Blasting Operations means the use of an explosive device or explosive materials to destroy, modify, obliterate, or remove any obstruction of any kind from a piece of property.

Minor Blasting is any blasting operation associated with trenching operations, digging holes for utility poles, and other single shot operations.

Major Blasting is any other type of blasting operation.

Permit for Blasting is a written document issued by the Santee Fire Department wherein the blaster is given permission to blast within the City of Santee under specific terms and conditions for the operation.

Certificate of Insurance is a written document issued by an insurance company authorized to do business in the State of California stating that the insurance company has issued a policy of liability insurance covering property damage and bodily injuries resulting from blasting operations occurring in the City of Santee.

Explosive Permit is a written document issued by the San Diego County Sheriff's Department pursuant to Section 12000, et seq. of the California Health and Safety Code wherein the Sheriff's Department allows blasting with explosives to be done by the permittee under the conditions specified therein.

5607.4 Permit to Blast: All blasting operations within the City of Santee are prohibited unless permitted by the Santee Fire Department.

5607.4.1 Prerequisites. No Permit to Blast will be granted or obtained unless the prerequisite conditions listed below are complied with and proof provided to the satisfaction of the Fire Department.

5607.4.2 Explosives permit. The blaster must obtain an explosives permit from the San Diego County Sheriff's Department and a copy thereof must be placed on file with the Santee Fire Department.

5607.4.3 Santee business license. The blaster must obtain a business license from and issued by the Finance Department of the City of Santee and place a copy thereof on file with the Santee Fire Department.

5607.4.4 Liability insurance. The property owner/developer or general contractor must obtain liability insurance covering the blaster's activities with the coverages acceptable to the City, but in no case in an amount less than $4,000,000 for property damage and bodily injury aggregate and $2,000,000 per occurrence. The property owner/developer or general contractor must file a copy of the Certificate of Insurance with the Santee Fire Department. The blaster

must have liability insurance, property insurance, and bodily injury insurance with the coverages acceptable to the City, but in no case in an amount less of $4,000,000 aggregate and $2,000,000 per occurrence. A copy of the Certificate of Insurance of the blaster must be filed with the Santee Fire Department by the property owner/developer or general contractor. The City of Santee must be endorsed as an Additional Insured on the blaster's liability insurance.

5607.4.5 Blaster's qualifications. The blaster's qualifications will be reviewed by the Fire Chief. Approval and placement on the list of approved blasters will be based upon a review of the blaster's qualifications, past safety record, and history of complaints of job performance. Failure on the part of the blaster to comply with the terms and conditions under which approval is granted may result in suspension from the list of approved blasters for a period not exceeding one year.

5607.5 Permit to Blast - repository and renewal.

5607.5.1 Permit to Blast filing. A copy of the Permit to Blast must be kept on file with the Santee Fire Department at 10601 Magnolia Ave., Santee, California 92071. A copy of the Permit to Blast must be retained by the general contractor or property owner/developer and by the blaster and must be available at the job site for public or official inspection at all times during blasting operations.

5607.5.2 Permit to Blast cancellation. A Permit to Blast is required to be cancelled with the Fire Department when a blaster completes or discontinues, for thirty (30) days, blasting operations at a construction site.

5607.5.3 Permit to Blast - renewal. A Permit to Blast must be renewed with the Fire Department before any blasting operations are continued or resumed.

5607.6 Blasting operation procedures. After the Permit to Blast has been issued, the blaster must comply with the following procedures.

5607.6.1 Notification of blasting operation. The contractor or property owner/developer must give reasonable notice in writing at the time of issuance of building permit, grading permit or encroachment license to all residences or businesses within 600 feet of any potential blast location. The notice must be in a form approved by the Fire Chief.

Any resident or business receiving such notice may request of the Fire Department that the blaster give a 12 hours advance notice of impending blast. The general contractor or property owner/developer must obtain the advanced notification list of residents and businesses from the Fire Department, and must make every reasonable effort to contact any and all parties requesting the second advanced notice.

5607.6.2 Inspections. Inspections of all structures within 300 feet of the blast site must be made before blasting operations. The person(s) inspecting must obtain the permission of the building owner prior to conducting the inspection. The inspections must be performed by a qualified person(s) approved by the Fire Chief, and employed by the blaster or project contractor. The inspection may be only for the purpose of determining the existence of any visible or reasonably recognizable pre-existing defects or damages in any structure. Waiver of such

inspection must be in writing by owner(s), and persons who have vested interest, control, custody, lease or rental responsibility of said property or their legally recognized agent. Post blast inspections are required upon receipt of a complaint of property damage by the person in charge of the property. Damage must be reported to the Fire Department within one year of the completion of blasting operations.

5607.6.3 Inspection report. Complete inspection reports identifying all findings or inspection waivers must be signed by the inspector and property owners or owner's agent. Such inspection reports must be retained by the inspecting agency, but must be immediately available to the Fire Department and individuals directly involved in alleged damage complaints.

5607.6.4 Inspection waiver report. The inspector must file with the Fire Department a summary report identifying the address, occupant/owner's name, time and date of inspections, and any inspection waiver signed by property owner or owner's agent, with an explanation as to why an inspection of a specific structure was not made. This summary and waiver report must be signed by the inspector.

5607.6.5 Blasting hours. Blasting is only permitted between the hours of 9:00 am and 4:00 pm during any weekday, Monday through Friday, unless special circumstances warrant another time of day and special approval is granted by the Fire Chief.

5607.6.6 Fire Department inspections. The blaster must permit Fire Department personnel to inspect the blast site and blast materials or explosives at any reasonable time.

5607.6.7 Fire Department witness of blasting. If a Fire Department witness is desired by the general contractor, and or blaster, arrangements must be made at least 12 hours prior to the blast. Confirmation must be made to the Fire Department no less than one hour prior to the blast. The Fire Department may assign a Department member to be present and observe the blast at their discretion.

5607.6.8 Blast notification to Fire Department. The blasting companies are required to notify the Fire Department on the day of a tentative blasting operation, between the hours of 8:00 am and 8:30 am.

5607.6.9 Seismograph monitoring. All blasting operations must be monitored by an approved seismograph located at the nearest constructed structure. All daily seismograph reports must be forwarded to the Fire Department by the end of the blast week.

EXCEPTION: Public Utility Companies are not required to seismographically monitor minor blasting operations.

5607.6.10 Confiscation. Any explosives which are illegally manufactured, sold, given away, delivered, stored, used, possessed, or transported are subject to immediate seizure by the Fire Chief, issuing authority, or peace officer. When a permit has been revoked or has expired and is not immediately renewed, any explosive is subject to immediate seizure.

5607.7 Complaints regarding blasting operations. Post-blast inspections are required on all structures for which complaints, alleging blast damage, have been received. Such

inspections must be written within thirty (30) days after receipt of complaint.

5607.8 Fee for Permit to Blast. The blaster must pay a fee for the Permit to Blast designated within the Fire Department Schedule of Fees. Unless otherwise designated within the approved Schedule of Fees, a Permit to Blast is site specific and a separate fee must be paid for each Blast operation or for each Permit to Blast issued.

5607.9 Fire Department conditions. The Santee Fire Department may impose such additional conditions and procedures as it deems are reasonably necessary to protect the public health and safety based upon the peculiar and individual facts and circumstances of a particular blasting operation. The Fire Department will provide the blaster with the additional conditions or procedures in writing and the blaster must comply with those requirements until such time as the Fire Department is satisfied they are no longer required and cancels the additional requirements.

(Ord. 545 § 4, 2016)

11.18.030 Special regulations.

A. **Establishment of geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited**. The limits referred to in Section 5704.2.9.6.1 of the International Fire Code in which the storage of flammable or combustible liquids in above-ground tanks outside of buildings is prohibited are hereby established as the jurisdictional limits of the City.

The storage of Class I and Class II liquids in above ground tanks outside of buildings is prohibited in all residential zones within the City of Santee. The storage of Class I and Class II liquids in above ground tanks for motor vehicle fuel-dispensing may be allowed in commercial or industrial zones within the City, provided that applicable provisions of Chapters 23 and 57 are met, and if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

B. **Establishment of geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited**. The limits referred to in Section 5706.2.4.4 of the International Fire Code in which the storage of flammable or combustible liquids in above-ground tanks is prohibited are hereby established as the jurisdictional limits of the City.

The storage of Class I and Class II liquids in above ground tanks is prohibited in all residential zones within the City of Santee. The storage of Class I and Class II liquids in above ground tanks for motor vehicle fuel-dispensing may be allowed in commercial or industrial zones within the City, provided that applicable provisions of Chapters 23 and 57 are met, and if in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

C. **Establishment of geographic limits in which the storage of liquefied petroleum gases is restricted for the protection of heavily populated or congested areas**. The limits referred to in Section 6104.2 of the International Fire Code, in which the storage of liquefied petroleum gas is restricted, are hereby established as the jurisdictional limits of the City.

The storage of liquefied petroleum gases are prohibited within residential zones within the City of Santee. The storage of liquefied petroleum gases are allowed within commercial or industrial zones within the City of Santee to a maximum quantity of 2,000-gallon water capacity, provided all applicable provisions of Chapter 61 are met, and in the opinion of the Fire Chief, the site, and the use, does not pose a significant hazard.

EXCEPTION: Liquefied Petroleum Gas may be allowed for residential use where no other gas service is provided and the quantity, location and use do not pose a significant problem.

D. **Establishment of limits of districts in which storage of explosives and blasting agents is prohibited.** Limits in which storage of explosives and blasting agents is prohibited, are hereby established as the jurisdictional limits of the City.

Permanent storage of explosives and/or blasting agents is strictly prohibited within the City of Santee. Temporary storage may be allowed during set-up for excavation, demonstration, or other use, when proper permits have been obtained, all applicable provisions of Chapter 56 have been met, and when in the opinion of the Fire Chief, there are no significant hazards.

EXCEPTION: Small quantities of black powder and explosive materials may be stored and used when they are permitted by the applicable law enforcement agency and permitted by the Fire Department.

E. **Establishment of geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited**. The limits referred to in Section 3506.2 of the International Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows:

The storage of flammable cryogenic fluids is prohibited within the City of Santee. (Ord. 545 § 4, 2016)

11.18.040 Appeals.

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Council but submitting a letter of appeal to the City Clerk within 30 days from the date of the decision in accordance with Chapter 1.14. (Ord. 545 § 4, 2016)

11.18.050 New materials, processes or permits.

The City Manager, the Fire Chief and the Fire Marshal act as a committee to determine and specify, after giving affected person an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code and International Fire Code. The Fire Marshal will post such list in a conspicuous place in the office of the City Clerk, at the bureau of fire prevention and distribute copies thereof to interested persons. (Ord. 545 § 4, 2016)

EXHIBIT 11

CHAPTER 11.20 CALIFORNIA EXISTING BUILDING CODE

11.20.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

The California Existing Building Code, 2016 Edition is adopted by reference without change. (Ord. 545 § 4, 2016)

EXHIBIT 12

CHAPTER 11.22 CALIFORNIA GREEN BUILDING STANDARDS CODE

11.22.010 Adoption of the 2016 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, as the City's green building code the 2016 California Green Building Code, Part 11, Title 24 California Code of Regulations, a portion of the California Building Standards Code.

Except as otherwise provided by this chapter and Chapter 11.02, planning, design, operation, construction, use and occupancy of every newly constructed building or structure must conform with the City's green building code. (Ord. 545 § 4, 2016)

EXHIBIT 13

CHAPTER 11.24 CONSTRUCTION AND IMPROVEMENT STANDARDS

11.24.010 Intent.

It is the intent of this chapter that, before a building permit is issued for the construction or enlargement of buildings or a change in the footprint of a building on parcels of land in the City for which no zoning permit or other approval is required, the person applying for such permit must assure that the standard of adequacy for the easements and dedications for streets or highways abutting the parcels, or drainage, or utilities, or other public needs, has been complied with. (Ord. 309 § 2, 1993; Ord. 251 § 1, 1991: prior Code § 51.501)

11.24.020 Definitions.

As used in this chapter:

"Centerline of street" means the centerline of a street as shown on final maps, final parcel maps, official route surveys, record of surveys, or other bases as determined by the City Engineer.

"General plan highway" means any street identified as a collector, parkway, major, or prime arterial highway on the circulation element of the City general plan as amended or hereafter amended.

"Street" means a city road, state highway, public road, street, or alley, or a private thoroughfare not less than ten feet in width connecting with a city road, state highway, public road, street or alley which affords primary access to an abutting lot. (Ord. 309 § 2, 1993; Ord. 251, 1991: amended during 1989 supplement; prior Code § 51.502)

11.24.030 Public right-of-way—Dedication required.

A. Except for the exemptions in Section 11.24.060, no building or structure may be erected or enlarged and no building permit may be issued, unless one half of the street, which is located on the same side of the centerline of the street of the subject lot, has dedicated right-of-way for the full length of the lot along all street frontages so as to meet the street designation as indicated in the general plan of the City or in any adopted specific plan. If right-of-way dedication is required, the applicant must furnish to the City a current preliminary title report and copy of the deed or other documents acceptable to the City Engineer for use in preparing necessary right-of-way documents.

B. In addition to required dedication for street purposes, dedication for storm drain, sewer, water, or other utility purposes may also be required in connection with building permits where such dedication is necessary to prevent the flooding of adjacent or nearby properties or to permit connection to required utilities.

C. In the event construction of full frontage improvements is not immediately planned by the City, the applicant must make an irrevocable offer to dedicate property, executed

by all parties having an interest in the property, including beneficiaries and trustees of deeds of trust, as shown by a current preliminary title report prepared by a title company approved by the City Engineer. The City Engineer may at his/her discretion, waive the requirements of signatures for beneficiaries and trustees of deeds of trust, as well as the requirement for a current preliminary title report, provided sufficient information is presented to indicate all current interests in the property to the City Engineers' satisfaction. The offer of dedication must be prepared by the City and continue in effect in perpetuity, regardless of whether the City Council accepts or rejects such offer.

D. No fee is required for the processing of the dedication documents. (Ord. 309 § 2, 1993; Ord. 251, 1991: prior Code § 51.503)

11.24.040 Construction of public improvements.

A. Except for sections 11.24.050 and 11.24.060 of this chapter, a person, owner, lessee, or agent constructing or causing to be constructed any building, or building addition, on any legal parcel within the City must provide for the construction or installation, to city standards, as shown on the circulation element of the general plan, public works standards, or an adopted specific plan, of street improvements, including, but not limited to, sidewalks, curbs, gutters, landscaping, street lights, paving, and drainage facilities, unless adequate improvements already exist to serve the lot on which the building is to be constructed or enlarged.

B. Upon receipt of notification by the City Engineer, the Building Official must deny issuance of a building permit, or deny approval of occupancy, or deny final approval and acceptance for public utility connections to any such building until satisfactory provisions have been made to ensure that the required full frontage improvements are constructed to the satisfaction of the City Engineer. The improvements must be constructed as soon as practical unless deferral of their construction, pursuant to Section 11.24.110, is approved by the City Engineer. (Ord. 251, 1991: amended during 1989 supplement; prior Code §§ 51.504, 51.505)

11.24.050 Limitations.

The approval authority may limit the cost of required public improvements for small projects for enlargement of a building, or addition of a new building on a lot having existing development.

A. Single-Family Residences or Duplex.

1. In situations where the value of the proposed expansion work, as determined by the Director of planning and community development, does not exceed one-half of the current market value of an existing single-family residence or duplex, the cost of public improvements may be limited by the approval authority to 25% of the estimated cost of the proposed work, or ten thousand dollars, whichever is lesser.

2. The provisions of this section do not apply where public improvements are needed which in the opinion of the City Engineer are necessary for safe and orderly development of the area, except as indicated in Section 11.24.060 of this chapter.

B. Existing Commercial or Industrial Buildings.

1. In situations where the value of the proposed expansion work, as determined by the Director of planning and community development, does not exceed 25% of the current market value of any existing commercial or industrial buildings, the cost of public improvements may be limited by the approval authority to 25% of the estimated cost of the proposed work, or twenty-five thousand dollars, whichever is lesser.

2. The provisions of this section do not apply where public improvements are needed which in the opinion of the City Engineer are necessary for safe and orderly development of the area. (Ord. 251, 1991: prior Code 51.509)

11.24.060 Exemptions.

The right-of-way standards of this chapter do not apply to the following:

A. The use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures accessory thereto, or both, on the same lot or parcel of land zoned for single-family use.

B. The construction of auxiliary structures, private garages, carports, children's playhouses, patio covers or covers constructed to protect materials stored outside the principal use.

C. Agricultural buildings. (Ord. 309 § 2, 1993; Ord. 251, 1991; Ord. 99, 1983: prior Code § 51.507)

TABLE 11.24.060

Zone	Local or Cul-de-Sac Street	Industrial Street	Collector Street	Major Road	Prime Arterial
All zones except commercial and manufacturing	50	56	62	71	83
Commercial	35	41	47	56	68
Manufacturing	35	41	47	56	68

11.24.070 Street lights—Required.

A. The applicant must install a street lighting system that provides the level of illumination recommended in the then current American National Standard Practice for Roadway Lighting published by the American National Standards Institute. Installation must be in accordance with plans and specifications approved by the City Engineer.

B. The owner of any property subject to an application for development that is subject to the requirements of this chapter must agree to annexation of that property into a lighting district or lighting maintenance district. The applicant must pay all costs of annexation and energizing as outlined in the City public works standards. (Ord. 251, 1991: prior Code § 51.508)

11.24.080 Improvements—Connection required.

The right-of-way and improvement of any street or general plan highway required by this chapter will not be considered adequate unless the right-of-way and improvement connect to an improved publicly maintained road system. The road system must have dedicated right-of-way and street improvements in accordance with city public works standards. Where an off-site connection is necessary to provide access to a publicly maintained street, the applicant must acquire the right-of-way and construct the required improvements. (Ord. 224 § 1, 1989)

11.24.090 Condemnation proceedings—Off-site acquisition.

If an applicant is unable to obtain off-site right-of-way or easement(s) required by conditions of approval, the applicant must notify the City prior to the approval of any improvement plans. After notification, the applicant must:

A. Enter into an agreement to complete off-site improvements and pay the full cost of acquiring off-site right-of-way or easements required. The applicant must agree to secure and complete the off-site improvements at such time as the City acquires an interest in land which will permit the improvements to be made. The surety must be in accordance with city requirements;

B. Deposit with the City the estimated costs of acquiring the off-site right-of-way or easements. The City Engineer will approve the estimated cost;

C. Have all right-of-way and/or easements documents and plats prepared and appraisals complete which are necessary to commence condemnation proceedings.

The requirements of Subsections A, B and C of this section must be accomplished prior to issuance of a building permit. (Ord. 224 § 1, 1989)

11.24.100 Undergrounding of utilities—Required.

All new and all existing overhead utilities within the boundaries of the project and within the half street abutting the project must be placed underground except as indicated below. Undergrounding of electrical lines of 69 kv or greater will not be required.

A. Limitations. At the discretion of the approval authority, undergrounding requirements may be limited to placement of conduit for future undergrounding of utilities in the following situations:

1. Where the value of the building improvement is less than 25% of the current market value of all buildings on the lot in consideration; and

2. Where the length of frontage to be under-grounded is less than 200 feet but more than 50 feet.

B. Exemptions. The following are exempt from undergrounding utilities in the adjacent right-of-way:

1. Single-family dwellings in an area where most utilities have been undergrounded, but the value of the building improvement is less than 50% of the current market value of all buildings on the lot;

2. Single-family dwellings in a built-out area where overhead utilities have not been undergrounded in the neighborhood, and there are no plans for undergrounding these utilities;

3. Any unit or development which has 50 feet or less frontage that includes overhead utilities;

4. Single-family dwelling replacements when the existing residential unit has been completely removed from the lot in a built-out neighborhood, and there are no plans for overhead facilities to be undergrounded in the foreseeable future.

C. Exemption. Utilities which serve properties outside the project boundaries and which are not adjacent to the street frontage.

D. In-Lieu Cash Deposits. Where the City Engineer determines that undergrounding the utilities is impractical, the undergrounding improvements may be deferred and an in-lieu cash deposit collected by the City in the amount equal to the estimated cost of undergrounding of such utilities.

E. Deferment/Waivers. In exceptional circumstances the property owner may request that the City defer/waive the requirement to underground utilities. The City Council will conduct a public hearing and allow the applicant to present evidence supporting deferment/waiver. The owner/applicant must provide the following with the application for a public hearing:

1. A fee in the amount established by resolution of the City Council to cover the cost of the public hearing;

2. A letter detailing the extenuating circumstances supporting a deferment/waiver;

3. Written, itemized cost estimates for undergrounding from the appropriate utility companies or an undergrounding consultant;

4. A plat map, prepared on eleven inch by seventeen inch paper, showing size and location of all utility lines and facilities on-site and adjacent to the site;

5. Electronic images of all utility lines involved in the request for deferment/waiver.

If the council elects to defer the undergrounding requirement, the applicant must enter

into an agreement with the City to accept the establishment of an undergrounding district at a future date and waiving the right to protest against such a district. The agreement must be binding on the heirs, successors, and assigns of the property owner, and must be recorded against the property. (Ord. 251, 1991: amended during 1989 supplement; prior Code § 51.511.7)

11.24.110 Improvements—Secured agreement.

A. If the City Engineer determines that construction of the public improvements prior to the issuance of a building permit would cause undue hardship on the applicant, the applicant must enter into a secured agreement to construct the road improvements prior to occupancy of any building or within 24 months, whichever is earlier. Security must be in a form acceptable to the City Attorney, and may include cash, bond, or instrument of credit.

B. The secured agreement must be executed and become effective on the date of the deposit of security and must expire upon the date of completion of the public improvements to the satisfaction of the City Engineer. The city is authorized in the event of any default, to use any or all of the deposit money to cause and pay for all of the required work to be completed. Any money remaining will be refunded to the owner of record of the property.

C. The amount of the security deposit must be in the amount of not less than 100% of the approved cost estimate for faithful performance and, in addition, for payment of furnishing materials, labor or equipment in an amount of not less than 50% of the approved cost estimate.

D. Upon completion of the improvements and their acceptance by the City, the owner must provide a warranty bond or other security satisfactory to the City for a period of one year. The bond or other security must be in an amount not less than ten percent of the approved cost estimate. After acceptance of the warranty security, any deposit of security for faithful performance and materials, labor, or equipment will be released to the owner. (Ord. 251, 1991: prior Code § 51.511.4)

11.24.120 Requirement for construction permit.

If public improvements are required in existing public rights-of-way, the applicant must obtain a construction permit from the City Engineer to construct the necessary improvements. The applicant must furnish the following to the City Engineer prior to applying for a construction permit:

A. Requirements (Major Improvements).

1. A street improvement plan prepared in ink on mylar base, standard size city improvement plan sheet by a civil engineer registered in the state of California;

2. Fees required by the fee schedule adopted by the City Council;

3. Security in a form acceptable to the City Attorney in an amount equal to 100% of the construction cost estimate for faithful performance and 50% of the construction cost estimate for material and labor;

4. Liability insurance for contractor working in public right-of-way;

B. Requirements (Minor Improvements).

Where the required work constitutes minor revision or repair to existing improvements as determined by the City Engineer the applicant must do the following:

1. Revise existing plans to indicate improvements constructed. Include on the plans the name of the firm, person and registration number associated with the revision if revisions are not by the original engineer of work;

2. Payment of plan check and inspection fees equal to the amount outlined in the current fee schedule adopted by City Council;

3. Place a cash security deposit adequate to cover clean up or damage to existing public streets as determined by the City Engineer. (Ord. 251, 1991: prior Code § 51.511.5)

11.24.130 Appeal.

Any person who has been affected by any decision of the City Engineer pursuant to any provisions of this chapter may appeal the decision in accordance with the appeal provisions in Chapter 1.14. (Ord. 309 § 2, 1993; Ord. 251, 1991: amended during 1989 supplement; prior Code § 51.511.6)

EXHIBIT 14

CHAPTER 11.26 REFERENCED STANDARDS CODE

11.26.010 Adoption of the 2016 California Referenced Standards Code, Part 11, Title 24 of the California Code of Regulations.

The city adopts and incorporates by reference, the California Referenced Standards Code, 2016 Edition, without change. (Ord. 545 § 4, 2016)

EXHIBIT 15

CHAPTER 11.28 HOUSING REGULATIONS

11.28.010 Authority.

The department of development services has and is authorized to exercise the power and authority granted the building department by Section 17951 of the Health and Safety Code. (Prior Code § 57.103)

11.28.020 Adoption of state regulations.

Any rules and regulations adopted by the department of housing and community development pursuant to the State Housing Law that impose restrictions greater than those imposed by this code are adopted and are applicable and enforceable within the City in the same manner as city ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings; provided, however, no fees prescribed by such rules or regulations are applicable unless they are greater than the fees prescribed by this title. (Prior Code § 57.104)

EXHIBIT 16

CHAPTER 11.30 ABANDONED RESIDENTIAL PROPERTY REGISTRATION

11.30.010 Purpose—Scope.

It is the purpose and intent of the Santee City Council, through the adoption of the ordinance codified in this chapter, to establish an abandoned residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned residential properties. (Ord. 472 § 1, 2007)

11.30.020 Definitions.

For the purposes of this chapter, certain words and phrases are defined as follows:

"Abandoned" means any residential property in the City that is vacant or shows evidence of vacancy and: (1) is under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale; and/ or (2) was the subject of a foreclosure sale where the title was retained by the beneficiary or trustee of a deed of trust involved in the foreclosure who is the current owner of the property; and/or (3) was transferred to the current owner under a deed in lieu of foreclosure/sale.

"Assignment of rents" means an instrument that transfers the beneficial interest under a deed of trust from one lender/entity to another.

"Beneficiary" means a lender under a note secured by a deed of trust.

"Dangerous building" means any building structure that is in violation of any condition referenced in Santee Municipal Code Chapter 11.04.

"Days" means consecutive calendar days.

"Deed of trust" means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan, used in California instead of a mortgage. This definition applies to any and all subsequent deeds of trust (i.e., second trust deed, third trust deed, etc.).

"Deed in lieu of foreclosure/sale" means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

"Default" means the failure to fulfill a contractual obligation, monetary or conditional.

"Evidence of vacancy" means any condition that on its own or combined with other conditions present leads any person authorized to enforce this code, in his or her reasonable discretion, or would lead any other reasonable person to believe that the property is vacant. Such conditions include but are not limited to: overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers, and/or mail, past due utility notices and/or disconnected utilities,

accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passersby, delivery agents or government employees that the property is vacant.

"Foreclosure" means the process by which a property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the trustor (borrower) defaults.

"Local" means within forty road/driving miles distance of the subject property.

"Notice of default" means a recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

"Notice of trustee's sale" means a document prepared and recorded by the trustee that sets forth the day, date and time of the trustee's sale, describes the property to be sold, and gives an estimate of the unpaid debt on the deed of trust secured by the property.

"Out of area" means in excess of forty road/driving miles distance of the subject property.

"Owner" means any person, co-partnership, association, corporation, or fiduciary having legal or equitable title or any interest in any real property subject to this chapter.

"Owner of record" means the person having recorded title to a parcel of property at the time the record is provided by the San Diego County recorder's office.

"Residential property" means any improved real property, or portion thereof, situated in the City, designed or permitted to be used for dwelling purposes, and includes the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted and/or zoned for such use.

"Tax assessor's lien sale" means the sale, conducted by the assessor of the county in which real property is located, of tax liens for delinquent taxes on the property.

"Trustee" means the person, firm, or corporation holding a deed of trust on a property.

"Trustor" means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

"Vacant" means a building/structure that is not legally occupied. (Ord. 472 § 1, 2007)

11.30.030 Recordation of transfer of loan or deed of trust—Assignment of rents.

Within ten days after the purchase and/or transfer of a loan or deed of trust secured by residential property in the City, the new beneficiary or trustee must record, with the office of the recorder of San Diego County, an assignment of rents, or similar document that lists the name (whether a corporation, individual, or other entity), the mailing address, and the contact phone

number of the new beneficiary or trustee responsible for receiving payments associated with the loan or deed of trust. (Ord. 472 § 1, 2007)

11.30.040 Registration.

A. If a property that is the security for a deed of trust in default is not abandoned, but the deed of trust remains in default, the beneficiary or trustee must inspect the property monthly until: (1) the trustor or other party remedies the default; or (2) the property is found to be abandoned, at which time the beneficiary or trustee must, within ten days of that inspection, register the property with the Director on forms provided by the City.

B. The registration form must contain the name of the owner, beneficiary or trustee (whether a corporation, individual, or other entity), the direct street/office mailing address of the owner, beneficiary, or trustee (no P.O. boxes), and a direct contact name and phone number for the owner, beneficiary, or trustee or its designee. If the owner, beneficiary or trustee is a corporation or is located out of area, the registration must also identify the local property management company responsible for the security, maintenance and/or marketing of the property.

C. The registration fee must accompany the registration form. The fee and registration will be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Registration fees will not be prorated. The beneficiary or trustee must register an abandoned residential property annually for so long as the property continues to be abandoned and the registered owner, beneficiary or trustee either: (1) continues to hold a deed of trust which is secured by the property and remains in default; or (2) is the owner of record of such property. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due.

D. Any corporation, individual, or other entity that has registered a property under this chapter must report any change of information contained in the registration within ten days of the change. (Ord. 472 § 1, 2007)

11.30.050 Maintenance requirements.

The beneficiary or trustee of a registered abandoned residential property must maintain the property as follows:

A. Any condition causing the property to constitute a dangerous building must be immediately remedied.

B. Excessive trash accumulation and/or accumulation of materials constituting a fire hazard must be cleared from the property.

C. The property must be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

D. Visible front and side yards must be mowed or otherwise maintained to the satisfaction of the Director.

E. Pools and spas must be kept in working order so the water remains clear and free of pollutants and debris, or must be drained and kept dry. (Ord. 472 § 1, 2007)

11.30.060 Security requirements.

The beneficiary or trustee of a registered abandoned residential property must secure the property as follows:

A. All windows, doors (walk-through, sliding and garage) gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s) must be secured so as to prevent access by any unauthorized person. In the case of broken windows, securing means the re-glazing or boarding of the window.

B. Pools and spas must be fenced or otherwise secured to prevent access or use by any unauthorized person.

C. The property must be posted with name and twenty-four-hour contact phone number of the local property management company. The posting must be visible from the centerline of the street on which the property is located, or a distance of forty-five feet, whichever is less, and must contain the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." (Ord. 472 § 1, 2007)

11.30.070 Inspection.

The owner, trustee, beneficiary or local property management company must inspect the property on a monthly basis, or more frequently if required by the Director, to ensure that the property is in compliance with the requirements of this chapter. (Ord. 472 § 1, 2007)

11.30.080 Additional authority.

The Director is authorized but not required to require the beneficiary/trustee/owner and/or owner of record of any registered abandoned residential property to implement additional maintenance and/or security measures including but not limited to: securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property and prevent the maintenance of an attractive nuisance. In addition, nothing in this chapter prevents the application of provisions of the Santee Municipal Code, including but not limited to chapter providing for the abatement of nuisances by the City at the expense of the owner, trustee, or beneficiary. (Ord. 472 § 1, 2007)

11.30.090 Fees.

The annual fee for registering an abandoned residential property is the amount established by resolution of the City Council. (Ord. 472 § 1, 2007)

11.30.100 Enforcement.

Violations of this chapter may be enforced in any means provided in title 1. (Ord. 472 § 1, 2007)

11.30.110 Appeals.

Any person aggrieved by any of the requirements of this chapter may file a written appeal with the City Manager pursuant to Chapter 1.14. (Ord. 472 § 1, 2007)

11.30.120 Violation—Strict liability.

Violations of this chapter are strict liability offenses regardless of intent. Any person, firm, or corporation that violates any portion of this section may be subject to prosecution or administrative enforcement. (Ord. 472 § 1, 2007)

EXHIBIT 17

CHAPTER 11.32 SWIMMING POOLS

11.32.010 Definitions.

In this chapter:

"Above-ground/on-ground pool" means the same as "swimming pool" defined in this section.

"Barrier" means a fence, wall, building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

"Grade" means the underlying surface such as earth or a walking surface.

"Hot tub" means the same as 'swimming pool' defined in this section.

"Health officer" means the designated representative of the San Diego County department of environmental health.

"Public swimming pool" public has the same meaning as that term is defined in Article 5, Chapter 5, Part 10, Division 104 of the Health and Safety Code.

"Spa" means the same as "swimming pool" defined in this section.

"Swimming pool" means any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

"Swimming pool, indoor" means a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

"Swimming pool, outdoor" means any swimming pool which is not an indoor pool. (Ord. 349, 1996)

11.32.020 Review of plans for public swimming pools.

Any person wanting the review and approval of plans and specifications for a public swimming pool must submit plans to the Director, accompanied by a fee set forth in a resolution adopted by City Council to cover the cost of the review for compliance with the requirements for public swimming pools in Article 5, Chapter 5, Part 10, Division 104 of the Health and Safety Code and with the applicable provisions of Chapter 20, Division 4, Title 22 of the California Code of Regulations. In the event that the plans and specifications do not comply with these requirements, amended plans and specifications may be submitted to the Director together with the fee for each such re-review set forth in the fee schedule adopted by resolution of the City Council. (Ord. 349, 1996)

11.32.030 Permit—Required.

No person may maintain or operate any pool, except a private pool, unless an annual operating permit is issued by the health officer. A pool is considered a private pool if it is maintained by an individual for the use of family and friends and for swimming instruction programs of short duration which are conducted by or sponsored by the American Red Cross. An annual operating permit issued by the health officer is required for operation of any public pool including, but not limited to, all commercial pools, real estate and community pools, pools at hotels, motels, resorts, auto and trailer parks, auto courts, apartment houses, clubs, public or private schools and gymnasia, and health establishments. Every person applying for a permit required by this section must, at the time of applying for such permit, pay an annual inspection fee for the first pool under one ownership and on the same property and a fee for each additional pool on the same property and under the same ownership in the amount set forth in the fee schedule adopted by the City Council. The annual operating permit is effective for a twelve-month period from the date of issuance. The required permit must be applied for and issued as prescribed in title 4. (Ord. 349, 1996)

11.32.040 Permit—Nontransferable.

A permit is not transferable from one person or one place to another, and is deemed voided if removed from the place or location specified in the written application and in the permit. (Ord. 349, 1996)

11.32.050 Adoption of swimming pool, spa and hot tub fencing regulations.

The city adopts the following as the City swimming pool, spa and hot tub fencing regulations for the purpose of regulating the construction, alteration, moving, demolition, repair and use of all swimming pool, spa and hot tub fencing: (Ord. 349, 1996)

A. Outdoor Swimming Pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa must be provided with a barrier complying with the following:

1. The top of the barrier must be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool and must be constructed to withstand the forces outlined in the Uniform Building Code. The maximum vertical clearance between grade and the bottom of the barrier must be 4 inches measured to a hard surface, such as concrete, or 2 inches to earth. This measurement must be taken on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and bottom of the barrier must be 4 inches.

2. Openings in the barrier must not allow passage of a 4-inch diameter sphere.

3. Solid barriers that do not have openings, such as masonry or stone walls, must not contain indentations or protrusions, except for tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members must be located on the swimming pool side of the barrier. Spacing between vertical members must not exceed 2 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts must not exceed 2 inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members must not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts must not exceed 2 inches in width.

6. Maximum mesh size for chain link fences is a 2 inch square. The wire must not be less than 11 1/2 gauge.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members must be no more than 2 inches square.

8. Access gates must comply with the requirements of items 1 through 7 and must be equipped to accommodate a locking device no less than 54 inches above grade. Pedestrian-access gates must open outward away from the pool, be self-closing, and have a self-latching device. Gates other than pedestrian-access gates must comply with the requirements of items 1 through 7 and must be equipped with a locking device.

9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then (1) the ladder or steps must be capable of being secured, locked or removed to prevent access or (2) the ladder or steps must be surrounded with a barrier which meets the requirements of items 1 through 8. When the ladder or steps are secured, locked or removed, any opening created must not allow the passage of a 4-inch diameter sphere.

10. Hot tubs and spas located outdoors and not exceeding 64 square feet may have rigid pool covers equipped with a permanent locking and latching device in lieu of the barrier required by this section.

11. Where unusual circumstances exist that make strict enforcement of this section impractical, the Director may grant modifications for individual cases as allowed for in Chapter 11.02. (Ord. 349, 1996)

EXHIBIT 18

CHAPTER 11.34 MOVING AND TEMPORARY STORAGE OF BUILDINGS AND STRUCTURES

ARTICLE 1 GENERAL

11.34.010 Scope.

This chapter applies to the moving and temporary storage of buildings and structures. (Prior Code § 71.201)

ARTICLE 2 MOVING

11.34.100 Permits required.

No person may move any building or structure which is to be placed, stored or temporarily located on any property within the City until that person has obtained a permit issued pursuant to Chapter 11.04 or a permit issued pursuant to this chapter. (Prior Code § 54.101)

11.34.110 Permit—Application.

A. An application for a permit required by this chapter must specify the following:

1. the kind of building or structure to be moved,

2. the approximate weight of the building, as nearly as may be ascertained,

3. the location of the building or structure,

4. the location to which and the route over or along which the building or structure is to be moved,

5. the number of sections in which the building or structure will be moved,

6. the type and number of conveyances upon which the building or structure is to be moved,

7. the total number of tire inches for each separate section to be moved, and

8. the time when such building, structure, or portion thereof, is proposed to be moved and within which such removal will be completed.

B. The applicant must attach to the application a copy of a valid building permit for the building or structure at its destination point, or in the case of intended storage, a copy of an appropriate conditional use permit or other evidence that storage at the destination point compliance with the zoning ordinance. (Amended during 1989 supplement; prior Code § 71.203)

11.34.120 Permit—Application—Changes by Director.

The Director may include any conditions in a permit issued pursuant to this chapter as the Director considers necessary for the protection of the highways proposed to be used to move the building or structure or to prevent undue interference with traffic or to avoid jeopardizing the safety of any persons using such highways. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.204)

11.34.130 Permit—Fee.

Any person applying for a permit required by this chapter must, at the time of making application for this permit, pay an issuance fee in an amount established by resolution of the City Council. (Ord. 245 § 1, 1990: prior Code § 71.204.1)

11.34.140 Permit—Posting on structure.

The moving contractor must affix and maintain the permit in a conspicuous place on the building or structure to be moved at all times while the building or structure is on the highway. (Prior Code § 71.205)

11.34.150 Permit—Need for copies.

If a building or structure is moved in more than one section, and more than one of section is moved at the same time, the moving contractor must affix and maintain a permit or a true copy of the permit in a conspicuous place on each section at all times while on the highway. True copies of a permit must be issued by the Director on payment by the applicant of a fee in an amount established by resolution of the City Council. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.206)

11.34.160 Permit—Extension.

Each permit issued becomes null and void on expiration of the permit unless the Director extends the permit term. The Director may extend the validity of any permit if the Director determines that moving the building or structure, or any portion thereof, is impracticable because of inclement weather, act of God, strikes, or other causes not within the control of the permittee. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.207)

11.34.170 Classification of buildings.

All buildings and structures are classified as follows:

A. Class A is any building or structure or any portion thereof, which is moved on a motor truck or other vehicle propelled by its own power;

B. Class B is any building or structure or any portion thereof, not of Class A which is not more than 16 feet wide;

C. Class C is any building or structure or any portion thereof, not of Class A which is more than 16 feet and not more than twenty-two feet wide.

D. Class D is any building or structure or any portion thereof, not of Class A which is more than 22 feet and not more than twenty-eight feet wide;

E. Class E is any building or structure or any portion thereof, not of Class A which is more than 22 feet and not more than twenty-eight feet in width;

F. Class F is any building or structure or any portion thereof, not of Class A which is more than 40 feet in width. (Prior Code § 71.208)

11.34.180 Deposits according to classification.

Every applicant for a permit must pay a fee or deposit in an amount established by resolution of the City Council.

11.34.190 General deposit in lieu of special deposits.

Instead of making the special deposits required by sections 11.34.180 and 11.34.235.A, the moving contractor may make and maintain a general deposit in the amount equal to the amount of the special deposit for the highest class of building or structure proposed to be moved. The general deposit will be used for the same purpose as special deposits. A moving contractor who maintains a general deposit sufficient to cover the amount of a deposit required for the removal of any building or structure sought to be moved, the moving contractor is not required to make a special deposit. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.212)

11.34.200 Additional deposit.

If the Director determines any special or general deposit is not sufficient to protect the rights of way, including any trees thereon, where a building or structure will be moved, the Director may require an additional deposit in the amount sufficient to protect such public interest. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.213)

11.34.205 Increase in deposit for higher classification.

Before any permittee moves any building, structure, or portion thereof, which is in a class higher than the class for which the moving contract made any general or special deposit, the moving contractor must increase the deposit in an amount sufficient to cover the class sought to be moved. (Amended during 1992 supplement; prior Code § 71.214)

11.34.210 Deductions from deposit.

The city will deduct the following from the deposit made or maintained by each permittee:

A. The permit issuance fee if that has not otherwise been paid;

B. The cost of the services and transportation of any inspector appointed pursuant to Section 11.34.265;

C. The cost of any repairs required by moving the building or structure;

D. The cost of all tree trimming done or caused to be done by the Director which is made necessary to move the building or structure specified in the permit, including all trimming after moving the building or structure to correct trimming done when the structure was moved. (Amended during 1989 supplement; prior Code § 71.215)

11.34.215 Refund or deficiency deposit.

A. The remainder of any deposit, if any, will be refunded to the person making the deposit, or to that person's assigns.

B. If the deposit is not sufficient to pay all fees and deductions provided for in this chapter, the permittee must, upon demand, pay an amount sufficient to fully cover the deficiency. If the permittee fails to pay any amount required by this chapter, the City refuse to issue any further permits under this chapter and may recover all amounts due by any means legally available. (Amended during 1992 supplement; amended during 1989 supplement; prior Code § 71.216)

11.34.220 Billing in lieu of deductions.

If a moving contractor makes and maintains a general deposit pursuant to this chapter, the deductions provided for in Section 11.34.210 need not be made. Instead, the Director may bill the moving contractor for the amount due city under the provisions of this chapter. If, 15 days after any bill has been sent, the moving contractor does not pay the same in full, then the Director may deduct the amount due from the contractor's general deposit and sections 11.34.210 and 11.34.215 apply. (Amended during 1989 supplement; prior Code § 71.217)

11.34.225 Permit limitations.

A permit granted under this chapter does not authorize, license, or allow any person, except the surveyor, to trim, prune, cut or deface in any manner any tree upon any grounds or property belonging to the City or upon any road, street or highway. (Prior Code § 71.222)

11.34.230 Required equipment.

When required by the Director, a moving contractor must place boards or planks, of adequate width and strength to carry the load without being broken, under each dolly or wheel used to move the building or structure. The boards or planks must serve as a runway for the dolly or wheel while moving a building or structure along any portion of a highway which has a surface other than natural soil. The moving contractor must prevent the dolly or wheel from revolving on or resting on such surface, except on such board, plank, or runway. (Amended during 1989 supplement; prior Code § 71.219)

11.34.235 Tree trimming requirements.

A. Before any permit is issued, in addition to any deposit required by Section 11.34.180, the moving contractor must deposit with the Director an amount that covers the cost of necessary tree trimming, pursuant to Subsection B of this section.

B. If examination of the application or route to be traversed discloses that the moving will require the trimming of trees on city property or right of way, the City will estimate the cost of such trimming, as follows:

1. At the time the structure is moved to facilitate the moving thereof;

2. Subsequent to the moving of the structure to correct previous trimming done when the structure was moved.

C. At the request of a moving contractor who has an unrevoked permit pursuant to this chapter, the Director will trim such trees as it is necessary to trim, and where it will not harm the trees, to the extent required to move the structure to the location specified in the permit. (Amended during 1989 supplement; prior Code §§ 71.210, 71.211, 71.223)

11.34.240 Warning lights.

A. The moving contractor must display red warning lights at all times between sunset and sunrise on any building or structure located on a highway pursuant to the chapter. The warning lights must be displayed as follows:

1. Not more than six feet (6’) above the road at each corner of the building or structure; and

2. On all sides and projections of the building or structure at intervals not exceeding five feet (5’).

(Amended during 1989 supplement; prior Code 71.221)

11.34.245 Permit for structures exceeding permissible weights.

A. Except as otherwise provided in this section, no permit may be issued to move any building or structure if the weight of such building or structure, plus the weight of the vehicle or other equipment, exceeds the weight permitted by the Vehicle Code.

B. Notwithstanding Subsection A, if the Director determines that it is impossible or impracticable to keep within such weight limits due to the size, shape or physical characteristics of the building or structure or portion thereof to be moved, or of the highway over which such building or structure is to be moved, the Director may issue a permit as follows:

1. To move a building or structure on a vehicle where every wheel is equipped with rubber tires and the total weight of the building or structure and vehicle does not exceed sixty thousand pounds;

2. To move a building or structure on a vehicle where every wheel is equipped with pneumatic tires. (Amended during 1989 supplement; prior Code § 71.224)

11.34.250 Permit for specific equipment.

A. The Director may issue a permit authorizing an applicant to operate or move specific pieces of mobile mechanical equipment, vehicles, or emergency public utility equipment for good cause. Any such permit must be include the following conditions:

1. Be limited to specified highways or a specified area of the City that the Directors determines will protect the highways and the traveling public;;

2. Specifically describe the highways or the area of the City to which it is limited.

3. Not release the permittee from liability for damage to the highways or to person or property;

4. Be issued for a specific period of time designated, not exceeding one year;

5. Be subject to such other conditions as the Director deems necessary to protect the highways and the traveling public.

B. The application for a permit pursuant to this section must be made on a form provided by the Director. The application must be accompanied by a payment of a fee established by resolution of the City Council. (Ord. 245 § 2, 1990; amended during 1989 supplement; prior Code § 71.225)

11.34.255 Insurance in lieu of bond.

In lieu of the surety bond specified in Section 11.34.250, the Director may accept a certificate of insurance certifying that the applicant for the permit has an insurance policy satisfactory to the Director, which includes a signed endorsement for oversize-overweight vehicle satisfactory to the Director. (Amended during 1989 supplement; prior Code § 71.226)

11.34.260 Charge for damage to highway.

The Director may restore, or cause to be restored, every highway damaged by the moving of any building or structure. The moving contractor who caused such damage must pay the costs of the repair or restoration. (Amended during 1989 supplement; prior Code § 71.220)

11.34.265 Supervision by inspector.

The Director may supervise or cause or require supervision of the moving of any building or structure. The permittee must pay the City all costs the City incurs to supervise or provide supervision pursuant to this section. (Amended during 1989 supplement; prior Code § 71.218)

ARTICLE 3 STORAGE

11.34.300 Storage—Site approval.

It is unlawful for any person to permanently or temporarily store any building or structure on any property in the City unless the property has been approved by the City Council as a site for such storage pursuant to the zoning code or this chapter. (Prior Code § 54.201)

11.34.310 Storage—Site approval requirements.

A. A person seeking to permanently or temporarily store a building or structure on property not zoned for such storage must submit an application to the City Council. Before approving a site for use as a storage yard for any building or structure, the City Council must determine:

1. That the storage of unused and unoccupied structures on such site will not create a fire hazard;

2. That the character of the area or neighborhood within the site is such that the storage of unused and unoccupied structures on the site will not constitute an attractive nuisance to children in the area;

3. That the storage of unused and unoccupied structures on the site will not create a breeding space for vermin that would be injurious to the public health;

4. That the storage of unused and unoccupied structures on the site will create a shelter for criminal or immoral acts.

B. In approving a site for use as a temporary or permanent storage yard, the City Council may impose such reasonable conditions as may be necessary to insure that the use of the property will not create any of the hazards to public health, safety or welfare. (Prior Code § 54.202)

11.34.320 Storage—Permit issuance—Bond required.

A. After a property is approved by the City Council or in the zoning code for permanent or temporary storage of a structure or building, the Director may issue a permit authorizing a building or structure to be moved to such property; but only after the person applying for the permit provides the City with a bond in the amount established by resolution of the City Council, and in no case less than five thousand dollars, for each such storage yard or temporary location.

B. The bond required by this section must be executed by the person applying for the permit pursuant to this section and by a surety company authorized to do business in the state of California. The bond must be joint and several as to liability, inure to the benefit of the City, and be conditioned upon the removal of all such buildings and structures from the storage yard or temporary location within a period of one year after the date of issuance of the permit. The bond must be filed with the Director before the permit is issued. No building or structure moved onto a storage yard or temporary location may be used or occupied at such storage yard or temporary location. (Prior Code § 54.203)

EXHIBIT 19

CHAPTER 11.36 FLOOD DAMAGE PREVENTION

11.36.010 Statutory authorization.

The legislature of the state of California has in California Government Code sections 65302, 65560, 65800 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. 307 § 2, 1993)

11.36.020 Findings of fact.

A. The flood areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. The base flood discharge used for the San Diego River should be at least 45,000 cubic feet per second because of the following:

1. Two peak discharges have already occurred which are substantially in excess of 33,000 cubic feet per second, which is the base flood discharge for the most recently published flood insurance rate map;

2. The county recognizes the 100 year discharge should currently be in the order of at least 40,000 cubic feet per second;

3. The California Department of Transportation (CALTRANS) has for several years used the maximum discharge of record as the basis for the hydraulic design of its bridges;

4. The Corps of Engineers has estimated that the base flood discharge would be approximately 45,000 cubic feet per second under so called ultimate conditions of development. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize the public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future blight areas;

G. To ensure that potential buyers are notified that property is an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 307 § 2, 1993)

11.36.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling, filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 307 § 2, 1993)

11.36.050 Definitions.

Unless specifically defined in this section, words or phrases used in this chapter will be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

“Area of Special Flood Hazard.” See “special flood hazard area.”

"Base flood" means the flood having a one percent chance of being equaled or exceed any given year. Also called the "one-hundred-year flood."

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"County" means the county of San Diego.

"Development" means any constructed change to improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed, including but not limited to, the installation of utilities, construction of streets, and either final site grading or pouring of concrete pads.

"Expansion" when used in reference to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads.

"Flood" or "flooding" means a general temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of floodwaters;

B. The unusual and rapid accumulation of runoff of surface waters from any source; and/or

C. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

"Flood boundary and floodway map (FHFM)" means the official map on which the Federal Insurance and Mitigation Administration has delineated both the areas of flood hazard and the floodway.

"Flood insurance rate map (FIRM)" means the official map dated June 15, 1984, as subsequently amended, on which the Federal Emergency Management Agency or Federal Insurance and Mitigation Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report, dated December 15, 1983 as

subsequently amended and provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map (FIRM), the flood boundary floodway map and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. (See definition of "flooding.")

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce and eliminate flood damage to real estate or improved real estate, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is delineated on the flood boundary floodway map.

"Hazard mitigation plan" means a plan that incorporates a process, whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to floodplain management community-wide.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term 'manufactured home' does not include park trailers, travel trailers, and other similar vehicles.

"Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale.

"Mean sea level" means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed on or after the effective date of the requirements in this chapter, including but not limited to the installation of utilities, construction of streets, and either final site grading or pouring of concrete pads.

"One hundred-year flood" or "100-year flood" means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the 'base flood,' which will be the term used throughout this chapter.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or fewer when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as ZONE A, A0 Al-30, AE, A99, VE, V or AH.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on

the property of accessory buildings, such as garages or sheds not occupied as dwellings or not part of the main structure.

"State" means the state of California.

"Structure" means a walled and roofed building or manufactured home that is principally above-ground.

"Substantial improvement" means any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, 'substantial improvement' is considered to occur when the first alteration of any walls, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either:

A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

B. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.060 Lands to which this chapter applies.

This chapter applies to all areas of special flood hazards within the jurisdiction of the City. (Ord. 307 § 2, 1993)

11.36.070 Basis for establishing areas of special flood hazard.

The engineering analysis entitled 'San Diego River Flood Study,' dated July 8, 1992, by BSI Consultants, Inc., based on Table 11.36.070A, is adopted by reference and declared to be a part of this chapter, as well as the FIRM dated June 15, 1984, as amended, and the Flood Insurance

Study dated December 15, 1983, as amended. The flood studies are on file at the City Engineer's office. The flood studies are the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the floodplain administrator.

TABLE 11.36.070(A)
City of Santee
Flood Insurance Study
Amended 100-Year Peak Discharge

TABLE 1
SUMMARY OF DISCHARGES

Flooding Source and Location	Drainage Area (Square Miles)	Peak Discharges (Cubic Feet per Second): 10-Year*	Peak Discharges (Cubic Feet per Second): 50-Year*	Peak Discharges (Cubic Feet per Second): 100-Year	Peak Discharges (Cubic Feet per Second): 500-Year*
San Diego River Mission Dam	1	5,500	19,000	50,000	112,000
0.7 Mile Downstream from Sycamore Creek	1	5,000	17,000	49,000	112,000
At Confluence with Forester Creek	369.0	4,500	16,000	48,000	112,000
0.2 Mile Upstream of Cuyamaca Street	1	3,800	15,000	46,000	108,000
At Cottonwood Avenue Forester Creek—Carlton Hills	1	3,500	14,000	45,000	105,000
Boulevard Overflow At Mission Gorge Road	N/A	N/A	2,400	3,900**	10,000

[1] Data Not Available
* Revisions under study for 10, 50 and 500-year peak discharges
** Revisions under study for 100-year peak discharge

(Ord. 307 § 2, 1993)

11.36.080 Compliance.

No structure or land may hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements including violations of conditions and safeguards established in connection with conditions, constitutes a misdemeanor. Nothing in this chapter prevents the City Council from taking such lawful action as necessary to prevent or remedy any violation. (Ord. 307 § 2, 1993)

11.36.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions prevails. (Ord. 307 § 2, 1993)

11.36.100 Interpretation.

In the interpretation and application of this chapter, all provisions are:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit or repeal any other powers granted under state statutes. (Ord. 307 § 2, 1993)

11.36.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by constructed or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter does not create liability on the part of the City, any officer or employee thereof, the State of California, or the Federal Insurance and Mitigation Administration, for any flood damages that result reliant on this chapter or any administrative decision lawfully made thereunder. (Ord. 307 § 2, 1993)

11.36.120 Establishment of development permit.

A development permit must be obtained before construction or development begins within any area of special flood hazard established in Section 11.36.070. Application for a development permit must be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level, of the lowest habitable floor (including basement) of all structures;

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

C. All appropriate certifications listed in Section 11.36.140(C);

D. Developer must file statement with the county recorder's office that the development which has occurred within existing areas of special flood hazard, as identified in Section 11.36.070, will have significantly higher rates for flood insurance, for future property owners within the development, than the rates for developments outside the special flood hazard zone;

E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.130 Designation of floodplain administrator.

The Director of development services is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.140 Duties and responsibilities of the administrator.

The duties and responsibilities of the administrator include, but are not limited to:

A. Permit Review.

1. Review of all development permits to determine that the permit requirements of this chapter have been satisfied;

2. Review of all permits to determine that the site is reasonably safe from flooding;

3. All other required state and federal permits have been obtained;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City; and

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 11.36.070, the Director is authorized to obtain, review, and reasonably utilize the best base flood data available from any legally authorized source: federal, state, or other; such as high water mark(s), floods of record, or private engineering reports, in order to administer Section 11.36.150 and provide the developer with an estimated base flood elevation. Any such information must be submitted to the City for adoption.

1. Single parcels will be required to elevate the lowest floor of any residential structure to no less than two feet above natural grade when base flood data does not exist. Nonresidential structures may elevate or floodproof to meet this standard.

2. Multiple parcels (five or more) will be required to have all proposals establish the one-hundred-year base flood elevation before consideration of the preliminary plan for development. The Director may, at his/her discretion, require standards exceeding those identified in Section 11.36.180.

C. Information to be Obtained and Maintained. The administrator is directed to obtain and maintain for public inspection and make available as needed for flood insurance policies:

1. The certification required in Sections 11.36.150(C), 11.36.180(B), 11.36.180(E) and 11.36.190(A); and

2. Certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the structure's lowest horizontal member is required at the point where the footings are set and slab poured. Failure to submit elevation certification constitutes cause to issue a stop-work order for the project. As-built plans certifying the elevation of the lowest adjacent grade area also required.

3. If fill is used to elevate a structure above the base flood elevation, the permit holder may wish to apply for a letter of map amendment (LOMA), as set forth in Section 11.36.230.

D. Alteration of Watercourses. It is the responsibility of the floodplain administrator to:

1. Notify adjacent communities and the State Department of Water Resources prior to any alteration or relocation of a watercourse, and, within 6 months of information becoming available or project completion, whichever is first, submit or assure that a permit applicant submits technical or scientific data to the Federal Emergency Management Agency for a Letter of Map Revision;

2. It is required that the flood-carrying capacity of the altered or relocated portion of such watercourse be maintained by the community.

E. Determinations. The administrator will provide interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where

there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary must be given a reasonable opportunity to appeal the interpretation as provided in sections 11.36.210 and 11.36.220.

F. Maintenance of Flood Protection Measures. The maintenance of any and all flood protection measures (levees, dikes, dams or reservoirs) will be required of the jurisdiction where such measures provide protection. If these measures are privately owned, an operation or maintenance plan will be required of the owner to be on file with the Director. The community is required to acknowledge all maintenance plans by the adoption of such plans by ordinance.

G. Hazard Mitigation Plan. The local agency or board responsible for reviewing all proposals for new development must weigh all requests for future floodplain development against the community's general plan. Consideration of the following elements is required before approval:

1. Determination of whether or not a proposed development is in or affects a known floodplain;

2. Inform the public of the proposed activity;

3. Determine if there is a practicable alternative or site for the proposed activity;

4. Identify impact of the activity of the floodplain;

5. Provide a plan to mitigate the impact of the activity with provisions in Subsection (A)(4) of this section.

H. Violation. Take action to remedy violations of this chapter as specified in Section 11.36.080. (Ord. 411, 2001; Ord. 307 § 2, 1993)

11.36.150 Standards of construction.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements must be anchored to prevent flotation, collapse or lateral movement of the structure;

2. All manufactured homes must meet the anchoring standards of Section 11.36.190(A).

B. Construction Materials and Methods.

1. All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage;

2. All new construction and substantial improvements must use methods and practices that minimize flood damage;

3. All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, etc., must be elevated to or above the base flood elevation;

4. All new construction and substantial improvements must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Within Zones AH or AO there must be adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any structure elevate the lowest floor, including basement floor, to the highest elevation required as follows:

   (a) To the height required by the Residential Building Code;

   (b) In AE, AH, A1-30 Zones, to or above the base flood elevation;

   (c) In an AO Zone, above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified;

   (d) In an A Zone, without BFE's specified on the FIRM, to or above the base flood elevation as determined by the floodplain administrator.

   (e) Notification of compliance must be recorded as set forth in Section 11.36.140(C).

2. Nonresidential construction must either be elevated in conformance with subdivision 1 or 2 of this Subsection or:

   (a) Together with attendant utility and sanitary facilities, be floodproofed to the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water; and

   (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

   (c) Be certified by a registered professional engineer or architect that the standards of this Subsection are satisfied. Such certification must be provided to the official set forth in Section 11.36.140(C)(1).

   Examples of floodproofing include, but are not limited to:

   (a) Installation of watertight doors, bulkheads, and shutters;

(b) Reinforcement of walls to resist water pressure;

(c) Use of paints, membranes, or mortars to reduce seepage through walls;

(d) Addition of mass or weight to structure to resist flotation;

(e) Armour protection of all fill materials from scour and/or erosion;

3. Manufactured homes must meet the above standards and also the standards in Section 11.36.190.

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or exceed the following minimum criteria:

(a) Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided. The bottom of all openings must be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

(b) Be certified to comply with a local floodproofing standard approved by the Federal Insurance and Mitigation Administration. (Ord. 307 § 2, 1993)

11.36.160 Standards for storage of materials and equipment.

A. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning. (Ord. 307 § 2, 1993)

11.36.170 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into floodwaters.

B. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding. (Ord. 307 § 2, 1993)

11.36.180 Standards for subdivisions.

A. All preliminary subdivision proposals must identify the flood hazard area and the elevation of the base flood.

B. All final subdivision plans will provide the elevation of proposed structure(s), pads, and adjacent grade. if the site is filled above the base flood, the final pad and first floor elevation must be certified by a registered professional engineer or surveyor and provided to the official as set forth in Section 11.36.l40(C)(l).

C. All subdivision proposals must be consistent with the need to minimize flood damage.

D. All subdivision proposals must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

E. All subdivision proposals must have adequate drainage provided to reduce exposure to flood damage. The developer must provide a certification of compliance. (Ord. 307 § 2, 1993)

11.36.190 Standards for mobile manufactured homes and manufactured home parks and subdivisions.

A. All new manufactured homes, additions to manufactured homes, and manufactured homes that are substantially improved must be set on permanent foundation so that the lowest floor is elevated to or above the base flood elevation and securely anchored to a permanent foundation to resist flotation collapse, or lateral movement. As set forth in Section l5.52.140(C)(l), certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation, and anchoring of individual manufactured home units.

B. The following standards are required for:

1. Manufactured homes not placed in manufactured home parks or subdivisions;

2. New manufactured home parks or subdivisions;

3. Expansions to existing manufactured home parks or subdivisions; and,

4. Repair, reconstruction, or improvements to existing manufactured home parks or subdivisions that equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, reconstruction or improvement commenced.

    (a) Adequate surface drainage and access for a hauler must be provided.

    (b) All manufactured homes must be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home is at least one foot above the base flood level. If elevated on pilings:

        (i) The lots must be large enough to permit; and

(ii) The pilings must be placed in stable soil no more than ten feet apart; and

(iii) Reinforcement must be provided for pilings more than six feet above ground level.

C. No manufactured home may be placed in a floodway, except in an existing manufactured home park or existing manufactured home subdivision.

D. No manufactured home may be placed in a coastal high hazard area, except in an existing manufactured home park or an existing manufactured home subdivision.

E. Certification of compliance is required of the developer responsible for the plan or state agency responsible for regulating manufactured home placement. (Ord. 307 § 2, 1993)

11.36.195 Recreational vehicles.

A. Any recreational vehicle placed on sites within Zones A1–30, AH, and AE on the City's FIRM must either:

1. Be on the site for fewer than 180 consecutive days,

2. Be fully licensed and ready for highway use, or

3. Meet the permit requirements of Section 11.36.120 and the elevation and anchoring requirements for "manufactured homes" in Section 11.36.190.

11.36.200 Floodways.

Located within areas of special flood hazard established in Section 11.36.070, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided which demonstrates that encroachments must not result in any increase in flood elevation during the occurrence of the base flood discharge;

B. If no floodway is identified, the permit holder must provide an engineering study for the project area that establishes a setback where no encroachment of any new development will be allowed that would increase the water surface elevation of the base flood plus one foot or establish a setback from the stream bank equal to five times the width of the stream at the top of the bank, whichever is greater. (Ord. 307 § 2, 1993)

11.36.210 Variance procedures—Appeal board.

A. The City Council, acting as the appeal board hears and decides appeals and requests for variances from the requirements of this chapter.

B. The City Council hears and decides appeals when it is alleged there is an error in any requirement, decision or determination made by the floodplain administrator regarding this chapter.

C. Those aggrieved by the decision of the City Council, or any taxpayer, may appeal such decision to the appropriate judiciary body.

D. In passing upon such applications, the City Council considers all technical evaluations, all relevant factors, standards, etc., specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed uses that are not subject to flooding or erosion damage;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, for the proposed uses that are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions 1 through 11 of Subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors of Subsection D of this section and the purpose of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

G. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance and Mitigation Administration, Federal Emergency Management Agency. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.220 Conditions for variances.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances may only be issued upon:

1. A showing of good and sufficient cause such as renovation, rehabilitation, or reconstruction. Variances requested for economic considerations, aesthetics, or because variances have been used in the past, are not good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.

E. Any applicant to whom a variance is granted must be given written notice over the signature of a community official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage, and such construction below the base flood level increases risks to life and property. A copy of the notice must be recorded by the floodplain administrator in the office of the San Diego county recorder and must be recorded in a manner so that it appears in the chain of title of the affected parcel of land. (Ord. 411, 2000; Ord. 307 § 2, 1993)

11.36.230 Letter of map amendment.

There are two methods of appeal that exempt a structure from the purchase of flood insurance; both must be supported by the items listed in this action:

A. Appeal to Elevation Requirements.

1. An actual stamped copy of the recorded plat map of the property showing official recordation and proper citation, or a photocopy of property's legal description (e.g., lot, block and plot number, etc.);

2. A copy of the flood hazard boundary map (FHBM) and/or flood insurance rate map (FIRM). Both must identify the location of the property;

3. A certification by a registered professional engineer or land surveyor or verification by the community Building Official stating:

   (a) The type of structure,

   (b) The elevation of the lowest finished grade adjacent to the structure,

   (c) The elevation of the bottom of the lowest floor beam.

B. Appeal of Location.

1. An actual stamped copy of the recorded plat map of the property showing official recordation and proper citation, or a photocopy of property's legal description (e.g., lot, block, and plot number, etc.);

2. A copy of the flood hazard boundary map (FHBM) and/or flood insurance rate map (FIRM). Both must identify the location of the property as not within Zone A or V;

3. Verification by local Building Official as to the property's location. (Ord. 307 § 2, 1993)

11.36.240 Severability.

This chapter and the various parts thereof are hereby declared to be severable. If any section of this chapter is declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision does not affect the validity of the chapter as a whole or any portion thereof other than the provision declared to be unconstitutional or invalid.

EXHIBIT 20

CHAPTER 11.38 DRAINAGE AND WATERCOURSES

11.38.010 Purpose of provisions.

The purpose of this chapter is to protect persons and property against flood hazards by augmenting the regulations imposed by Chapter 11.36 of this code. In case of conflict between the regulations imposed by this chapter and any other provision of law or of this code, the more stringent regulation applies. (Prior Code § 88.100)

11.38.020 Definitions.

In this chapter:

A. "Board" means the board of supervisors of the county.

B. "Council" means the City Council of the City of Santee.

C. "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to life, health, property or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake or other soil or geologic movements, as well as such occurrences as riot, accident or sabotage, or projects undertaken, carried out or approved by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed pursuant to Chapter 7 of Division 1, Title 2 of the Government Code.

D. "Federal Insurance and Mitigation Administrator" means that administrator designated by the Secretary of the United States Department of Housing and Urban Development.

E. "Floodplain" means a land area in and adjoining a river, stream, watercourse, ocean, bay or lake, which is likely to be flooded.

F. "Floodplain fringe" means all that land lying within the one-hundred-year floodplain that is not within a floodway, where a floodway has been defined.

G. "Floodway" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood. The selection of the floodway must be based on the principle that the area chosen for the floodway must be designed to carry the waters of the one-hundred-year flood, without increasing the water surface elevation of that flood more than one foot at any one point.

H. "Maintenance" means cleaning, removing obstructions, and repair of existing facilities. Obstructions include vegetation, shrubs, trees, tree stumps, limbs and foliage, debris, trash, rubbish, waste matter, deposits of dirt, silt, sand or rock, walls, structures, building

materials, or any other material which may impede, impair, restrict or divert the flow of water from its natural course.

I. "One-hundred-year flood" means a flood estimated to occur on an average of once in one hundred years (one percent probability of occurrence each year) which is determined from an analysis of historical flood and rainfall records.

J. "Stream improvements" means a complete system of approved drainage or flood control facilities constructed in accordance with the San Diego County Flood Control District Design Procedure Manual approved by the county board of supervisors on May 19, 1970, and filed with the clerk of the board of supervisors as Document Number 427201 and as amended by the board of supervisors on July 8, 1975 and filed with the clerk of the board of supervisors as Document Number 506917, and constructed in accordance with San Diego County Standards adopted by the board of supervisors April 1, 1960, and filed with the clerk of the board of supervisors as Document Number 357917, and any update or revision to these standards.

K. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either (1) before the improvement is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

L. "Watercourse" means any watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, arroyo or wash in which waters flow in a definite direction or course, either continuously or intermittently, and any area adjacent thereto subject to inundation from a one-hundred-year flood. (Amended during 1989 supplement; prior Code § 88.101)

11.38.030 Unlawful activities designated.

It is unlawful for any person do or commit or cause to be done or committed, any of the following acts:

A. Deposit any material of any kind in a watercourse which may impair or impede the flow of water therein, so as to adversely affect adjoining property;

B. Plant any vegetation (other than grasses or annual crops) within a watercourse which may impair, impede or divert the flow of water in such watercourse;

C. Commit any act or in any easement dedicated, granted or reserved for flood control or drainage purposes which will impair the use of such easement for such purposes;

D. Within a floodplain where a floodplain designator or a flood channel designator has, under the zoning ordinance, been applied by the board, or within a floodplain as delineated on approved maps issued by the Federal Insurance and Mitigation Administrator:

1. Construct new or substantial improvements of residential structures unless the lowest floor (including basement) is elevated to or above the level of the one-hundred-year flood;

2. Construct new or substantial improvements of nonresidential structures, unless the lowest floor (including basement) is elevated to or above the level of the one-hundred-year flood, or the structure including attendant utility and sanitary facilities, is floodproofed up to the level of the one-hundred-year flood. (Prior Code § 88.102)

11.38.040 Permit—Required for certain activities.

No person may do or commit, or cause to be done or committed, any of the following described acts without first obtaining a written permit from the Director:

A. Impair, impede or accelerate the flow of water in a watercourse;

B. Alter the surface of the land, by construction, excavation, embankment or otherwise, so as to reduce the capacity of a watercourse;

C. Construct, alter or remove any flood control or stormwater drainage structure, facility or channel of or in a watercourse;

D. Construct or place any structure in, upon or across a watercourse; or

E. Within a floodway, as shown on San Diego County Flood Plain Maps, place fill or encroachments that would increase the flood level or impair its ability to carry and discharge the waters resulting from the one-hundred-year flood. Permits may be issued where the effect of the fill or encroachment on flood heights is fully offset by stream improvements. (Prior Code § 88.103)

11.38.050 Acts not regulated.

A. Sections 11.38.030 and 11.38.040 do not prohibit any act lawfully done pursuant to Chapter 11.40 or Chapter or Chapter 8.04 of this code;

B. Sections 11.38.030 and 11.38.040 do not apply where the drainage area above the point of act is less than one square mile, unless one of the following conditions exists:

1. The watercourse within such drainage area has been improved and is operated and maintained by a public agency; or

2. Development in the area upstream has concentrated or channeled the flow so as to create flood hazard to downstream property.

C. Sections 11.38.030 and 11.38.040 do not apply to work performed by organization components of the federal government, the state of California, or their contractors. Sections 11.38.030 and 11.38.040 do apply to the county of San Diego.

D. Sections 11.38.030 and 11.38.040 do not apply to acts of the owner or the watercourse in the routine maintenance thereof, provided such acts do not impair, impede or divert the flow of water in such watercourse.

E. Sections 11.38.030 and 11.38.040 do not apply to acts of persons engaged in farming, ranching or other agricultural pursuits, or natural resource extraction operations performed pursuant to a special use permit, provided such acts are normally and routinely associated with such pursuits, and provided, further, that such acts do not substantially impair, impede or divert the flow of water in the watercourse.

F. Section 11.38.030 does not prohibit repair, reconstruction or improvement to existing residential and nonresidential structures within the floodplain, provided such repair, reconstruction or improvement:

1. Is not a substantial improvement;

2. Is designed (modified) and anchored to prevent flotation, collapse or lateral movement of the structure;

3. Uses construction materials and utility equipment that are resistant to flood damage; and

4. Uses construction methods and practices that will minimize flood damage.

G. Sections 11.38.030 and 11.38.040 do not prohibit the construction of parking facilities within the floodplain fringe area below the one-hundred-year flood level, provided:

1. The parking facility will service a nonresidential building;

2. The structure is open and will not impede the flow of floodwaters. (Prior Code § 88.104)

11.38.060 Permit—Application—Information required.

When an application for a watercourse permit is referred to the City Council pursuant to Sections 11.38.130 or 11.38.180 of this chapter, the City clerk must not place the matter on the council agenda for consideration until the applicant has furnished to the clerk a written statement disclosing the following information:

A. The names of all persons having an interest in the application, as well as the names of all persons having any ownership interest in the property involved;

B. If any person identified pursuant to Subsection A of this section is a corporation or partnership, the names of all persons owning more than ten percent of the shares in the corporation, or owning any partnership interest in the partnership;

C. If any person identified pursuant to Subsection A of this section is a nonprofit organization or a trust, the names of any person serving as Director of the nonprofit organization, or a trustee or beneficiary or trustor of the trust. (Prior Code § 88.112)

11.38.070 Permit—Application—Separate required when—Plans and data.

A. A separate application for a permit must be made for each act listed in Section 11.38.030, except that only one application need be made for two or more such acts which are done on the same or contiguous parcels or lots and which are part of a unified plan of development or improvement.

B. Plans and specifications and estimated value of work must be submitted with each such application, unless waived by the Director for small work. Such plans and specifications must be prepared or approved, and signed, by a civil engineer, unless (1) waived by the Director; or (2) the plans are prepared and/or approved by an agency of the federal or state government. The plans must show all information or data required by the Director, including but not limited to a soil investigation report. (Prior Code § 88.202)

11.38.080 Permit—Filing fee and deposit.

Before a permit is issued, an applicant must pay the Director the fee and deposit established by this section unless the plans have been prepared and/or approved by an agency of the federal or state or city government, in which case the fee and deposit are waived if installation is supervised by an agency of the federal or state or city government.

A. Filing Fee. A filing fee in the amount established by resolution of the City Council must be paid at the time application is made for a permit.

B. Deposit. A deposit must be made in addition to the filing fee, to cover plan checking, environmental review, processing of easement documents, administration, and inspection of the work. This deposit is to cover the actual cost incurred by the City, as estimated by the Director. If the actual cost of checking, review, processing, administration and inspection is less than the deposit, the unused balance of the deposit must be refunded in the same manner as provided by law for the repayment of trust moneys. If any deposit is insufficient to pay all the actual costs of checking, review, processing, administration and inspection, the permittee, upon demand of the Director, must pay to such Director an amount deemed sufficient by the Director to complete the work in process. If the permittee fails or refuses to pay such amount upon demand, the Director may refuse issuance of a watercourse permit until the amount is paid in full, or, if a permit is already issued, the work will be considered incomplete and the permit revoked in accordance with the procedures set forth in Section 11.38.210. (Amended during 1989 supplement; prior Code § 88.203)

11.38.090 Permit—Bond requirements.

A. A permit must not be issued where the value of the work is estimated to be three thousand dollars or more, unless the permittee first posts with the Director a bond executed by the permittee and a corporate surety authorized to do business in this state as a surety. The bond must be in a form approved by the City Attorney and in an amount of 30% of the estimated value of the work authorized by the permit, except that the Director may waive all or part of the amount to the extent that he or she determines that the hazard or danger created by the work does not justify the full amount. The bond must include penalty provisions for failure to complete the work on schedule.

B. In lieu of a surety bond, the applicant may file with the City a cash bond or an instrument of credit approved by the City Attorney in an amount equal to that which would be required for the surety bond. Every bond and instrument of credit must include, and every cash deposit must be made on, the conditions that the permittee must:

1. Comply with all applicable laws, ordinances and provisions of this code;

2. Comply with all terms and conditions of the permit, to the satisfaction of the Director; and

3. Complete all work contemplated under the permit within the time limit therein specified or, if no time limit is therein specified, then within the time limit specified in this chapter.

C. Each bond, instrument of credit and cash deposit must be made on and subject to the condition that no change, extension of time, alteration or addition to the terms of the permit or to the work contemplated thereunder, or the plans and specifications submitted in connection with the same, may in any way affect the obligation of the surety on the bond, instrument of credit or cash deposit and, further, that the surety waives notice on any such change, extension of time, alteration or addition.

D. Each bond and instrument of credit must remain in effect until the completion of the work to the satisfaction of the Director.

E. In the event of failure to complete the work or failure to comply with all terms and conditions of the permit, the Director may order such work as in his or her opinion is necessary to eliminate any dangerous condition, and to leave the site in a safe condition, or may order that the work authorized by the permit be completed to a safe condition, to the Director's satisfaction. The permittee, and the surety on the bond or the person issuing the instrument of credit or making the cash deposit, must continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all such work to be done. In case of a cash deposit, any unused portion thereof must be refunded to the person posting the same following completion of the work.

F. If the permit so provides, there may be a partial acceptance of the work by the Director from time to time, and a concomitant partial release of the surety. (Amended during 1989 supplement; prior Code § 88.306)

11.38.100 Permit—Application—Referral for review.

Prior to the issuance of any watercourse permit for construction of any drainage or flood control structure, the Director must cause the application to be reviewed for consistency with the City's general plan; provided, however, such application need not be reviewed if any of the following conditions are met:

A. A city board, commission or officer having final authority for project approval has determined that the project, which included the proposed work, is consistent with the general plan; or

B. The proposed work is pursuant to a tentative map of subdivision which has been approved or conditionally approved. (Prior Code § 88.109)

11.38.110 Permit—Application—Environmental review.

Prior to the issuance of any watercourse permit, the Director must ensure the application is reviewed for its effect upon the environment; provided, however, such application need not be reviewed if the proposed work is pursuant to a tentative map of subdivision which has been approved or conditionally approved on or before April 4, 1973. (Amended during 1989 supplement; prior Code § 88.106)

11.38.120 Permit issuance—Projects determined to have no significant effect.

If the Director determines that the proposed work will not have a significant effect upon the environment, the Director will inform the applicant and may issue the watercourse permit without requiring an environmental impact report pursuant to the California Environmental Quality Act or the National Environmental Policy Act. (Amended during 1989 supplement; prior Code § 88.107)

11.38.130 Permit issuance—Projects determined to have significant effect.

If the Director determines that the proposed work could have a significant effect upon the environment, the watercourse permit must not be issued unless and until the City Council authorizes such issuance following the adoption of an environmental impact report prepared pursuant to the California Environmental Quality Act and city rules and procedures adopted pursuant thereto. (Amended during 1989 supplement; prior Code § 88.108)

11.38.140 Permit issuance—Work consistent with general plan.

If the Director determines that the proposed work is consistent with the City's general plan, the Director will inform the applicant and may issue the watercourse permit. (Amended during 1989 supplement; prior Code § 88.110)

11.38.150 Permit—Issuance conditions and liability limitations.

The Director is authorized to include any conditions on a permits issued pursuant to this chapter in order to ensure compliance with this chapter and any other law. In case of conflict between the

regulations imposed by this chapter and any other provision of law or of this code, the more stringent regulation will govern. Neither the issuance of a permit nor compliance with the conditions in the permit or this chapter relieve any person from any responsibility otherwise imposed by law for damage to person or property. (Prior Code § 88.201)

11.38.160 Permit—Issuance—Additional conditions.

After the applicant has paid the required fees and complied with all conditions precedent, the Director must issue the permit unless the work proposed would significantly restrict the carrying capacity of a watercourse or would create an unreasonable hazard of flood or inundation to persons or property; provided, however, that the Director must issue the permit, subject to conditions specifically set forth in the permit, if the Director determines that by doing so no such restriction of carrying capacity or unreasonable hazard will be created. (Prior Code § 88.300)

11.38.170 Other permits may be required.

A permit issued pursuant to this chapter does not relieve the permittee of the responsibility for securing the required permits for work to be done which is regulated by any other provision of this code, any city ordinance, or federal or state law. (Prior Code § 88.204)

11.38.180 Permit—Denial conditions.

If the Director determines that the proposed work is not consistent with the general plan, the Director must inform the applicant and the City Council. The watercourse permit must not be issued unless and until the council authorizes such issuance following a review of the permit application and making a finding that the proposed drainage or flood control structure is consistent with the general plan. (Amended during 1989 supplement; prior Code § 88.111)

11.38.190 Permit—Period of validity—Extensions—Completion of work.

A. The permittee must complete the work authorized by the permit within the time specified in the permit or make written request to the Director for an extension of time. The Director must grant an extension of time to complete the work if, in the Director's opinion, such extension is warranted and would not create an unreasonable hazard of flood or inundation to persons or property.

B. The permittee must notify the Director in writing of completion of the work authorized, and no work will be considered completed until approved in writing by the Director following such written notification. The Director may cause inspections of the work to be made periodically during the course thereof, and may make a final inspection following the completion of the work; the permittee must cooperate with the Director in making such inspections. (Prior Code § 88.303)

11.38.200 Permit—Not transferable.

A permit issued pursuant to this chapter is not transferable from property to property for any reason or in any manner whatsoever. (Prior Code § 88.305)

11.38.210 Permit—Revocation authority and procedure.

A. The City Council may revoke any permit granted under the provisions of this chapter if any of the following conditions exist:

1. the permit was obtained by fraud, or that one or more of the conditions upon which the permit was granted have been violated;

2. the permittee fails or refuses to correct a deficiency or a hazard upon the receipt of written notice and within the time specified in such notices;

3. the permittee fails or refuses to perform any of the work required or fails or refuses to conform with any of the standards established by a special use permit.

A request that the council revoke such watercourse permit may be made by anyCity Officer; the request for revocation must be in writing, and must set forth the grounds upon which revocation is sought.

B. If a permit is revoked, no further work may be done upon that site except the correction of hazards, and the completion of any work required by the permittee's agreement. Every agreement and every security required by this chapter must remain in full force and effect notwithstanding any such revocation.

C. Any hearing held pursuant to this chapter must be a public hearing. A request for revocation must be directed to the City clerk, who will fix a time and place for the hearing to be published once in a newspaper of general circulation published in the City. The City Clerk must also notify the permittee of the time and place set for the hearing. Any interested person may appear at the hearing and present evidence. At the conclusion of a hearing on a request for revocation, the City Council may deny the request for revocation, grant the request for revocation, or modify existing conditions of or add new conditions to such permit. The decision of the City Council is final. (Prior Code § 88.205)

11.38.220 Permit—Modifications by City Council.

A. The City Council may modify any permit granted under the provisions of this chapter if the council determines that the modification is in the interest of public health, safety or welfare. A request that the City Council modify a watercourse permit may be made by any City Officer; the request for modification must be in writing, and must set forth the grounds upon which modification is sought.

B. If the permit is modified by the City Council, all further work done upon that site must be consistent with the modified permit. Every agreement remains in full force and effect, notwithstanding any such modification.

C. Any hearing held pursuant to this chapter must be a public hearing. A request for modification must be directed to the City clerk, who must fix a time and place for the hearing, to be published once in a newspaper of general circulation published in the City of Santee. The City Clerk must also notify the permittee of the time and place set for the hearing. Any interested

person may appear at the hearing and present evidence. At the conclusion of a hearing on a request for modification, the council may deny the request for modification or grant the request for modification by modifying existing conditions or adding new conditions to the permit. The decision of the City Council is final. (Prior Code § 88.206)

11.38.230 Emergency permit—Grant by Director.

Notwithstanding any provision of any city ordinance, the Director may grant an emergency watercourse permit for the removal of up to 2,000 cubic yards of silt, sand and debris. A permit may be granted for such periods of time as the Director deems to be reasonable and necessary or advisable under the circumstances. Such permit for emergency work, as defined in Section 11.38.020, may be granted to the owner of private property or the authorized agent of the owner. (Prior Code § 88.105)

11.38.240 Emergency permit—Grant by City Council.

Notwithstanding any provision of any city ordinance, the City Council, after first finding that an emergency exists on public or private property, may grant an emergency watercourse permit for the removal of silt, sand and debris in excess of 2,000 cubic yards when the applicant has fulfilled all the conditions which, in the opinion of the Director, are required to insure the health, safety and welfare of the affected persons or the protection of the affected properties, and the work shown is in accordance with the City plans and specifications. (Prior Code § 88.105.1)

11.38.250 Commencement of work—Extensions of time.

The permittee must begin the work authorized by the permit within 60 days after the date of issuance, unless a different date for commencement of work is set forth in the permit. The permittee must notify the Director at least 24 hours prior to the commencement of work. If the work is not commenced as required, then the permit becomes void; provided, however, that if prior to or within 30 days after the date established for commencement of work the permittee makes written request to the Director for an extension of time, setting forth the reasons for the required extension, the Director may grant additional time if, in the Director's opinion, such an extension is warranted. (Prior Code § 88.301)

11.38.260 Supervision of work.

All work authorized pursuant to this chapter must be performed under the supervision and coordination of a civil engineer, unless waived by the Director for small projects (or minor work), or the work is supervised by an agency of the federal or state government. (Prior Code § 88.302)

11.38.270 Changes to work—Restrictions.

No changes may be made in the location, dimensions, materials or character of the work authorized in a permit, except upon written authorization of the Director, unless such change relates to work being performed pursuant to plans prepared or approved by an agency of the federal or state government, and such change has been approved by such agency. (Prior Code § 88.304)

11.38.280 Watercourse maintenance duties—Work performed by city when.

The property owner is responsible for the timely maintenance of any watercourse on the owner's property. Failure to maintain a watercourse in a safe and unobstructed condition is hereby declared to be a violation of this section and a public nuisance. The Director may abate such nuisance in accordance with the nuisance abatement procedures in Title 1; provided, however, that the Director may require the property owner to abate the nuisance in any timeframe the Director requires. (Prior Code § 88.113)

11.38.290 Appeals—From permit denial or conditions.

Any person aggrieved by the denial of a permit pursuant to this chapter, or by the imposition of a condition on such permit, may appeal to the City Council. (Prior Code § 88.400)

11.38.300 Appeal—Conditions for approval.

A. The City Council will not grant a permit or modify or delete a permit condition, as sought for by the appeal, unless the appellant demonstrates all of the following to be true:

1. That the applicant would suffer substantial injury or detriment by the refusal to grant the permit or modify or delete the conditions;

2. That no other method of obtaining the desired results is more reasonable or less likely to be dangerous than that proposed by the applicant; and

3. That the granting of the permit or the modifying or deleting of conditions would not be materially detrimental to the public interest, safety, health and welfare, would not significantly restrict the carrying capacity of a watercourse, and would not create an unreasonable hazard of flood or inundation to persons or property.

B. The permit may be granted, or the condition complained of deleted or modified, if the requirements of Subsections (A)(1), (A)(2) and (A)(3) of this section can be satisfied by the imposition of reasonable conditions. (Prior Code § 88.401)

11.38.310 Public nuisance—Activities designated.

A violation of Section 11.38.030 or 11.38.040 is hereby declared to be a public nuisance subject to the nuisance abatement procedures in title 1. (Prior Code § 88.500)

EXHIBIT 21

CHAPTER 11.40 EXCAVATION AND GRADING

ARTICLE 1 GENERAL PROVISIONS

11.40.010 Title.

This chapter is known as the City's grading ordinance. (Ord. 234 § 1, 1989)

11.40.020 Purpose.

This chapter:

A. establishes minimum requirements for grading, excavating and filling of land;

B. provides for the issuance of permits for grading, excavating and filling of land;

C. provides for the enforcement of its provisions;

D. supplements the subdivision and zoning code of the City; and

E. must be read and construed as an integral part of the subdivision and zoning codes regulations and the land development patterns and controls established thereby. (Ord. 234 § 1, 1989)

11.40.030 Intent.

A. The intent of the City Council in adopting the grading code is to protect life and property, promote the general welfare, enhance and improve the physical environment of the community, and preserve and protect the natural scenic character of the City. In administering these provisions, the following goals are established:

1. Ensure that future development of land occurs in the manner most compatible with surrounding natural areas to have the least adverse effect upon other persons, land, or the general public;

2. Ensure that soil will not be stripped and removed from lands leaving barren, unsightly, unproductive land subject to erosion, subsidence and faulty drainage;

3. Encourage design and development of building sites to provide the maximum in safety and human enjoyment, while adapting development to and taking advantage of the natural terrain; and minimizing adverse visual impacts caused by major land form modifications;

4. Encourage and direct special attention toward retaining natural plantings and maximum number of existing trees;

5. Ensure that the objectives and policies of the adopted general plan for the City are met and that the grading guidelines expressed therein are maintained. (Ord. 234 § 1, 1989)

11.40.040 Provisions separate from other requirements.

A. Nothing in this chapter precludes the inclusion of any condition, provision or requirement concerning the grading of land in any zoning permit, subdivision approval, waiver, review or other approval issued or approved pursuant to city ordinances.

B. Nothing in this chapter precludes the requirement for the owner or applicant to obtain any other permit or approval required by the City Engineer or by law from any public or private party or agency.

C. Nothing in this chapter changes the requirements of any other provision of this code requiring permits, fees or other charges, or any provisions concerning the granting of franchises by any other person, body or agency. (Ord. 234 § 1, 1989)

11.40.050 Definitions.

A. In this chapter:

1. "Approval" means a written professional opinion by the responsible principal of record concerning the satisfactory progress and completion of the work under his or her purview unless it specifically refers to the City Engineer.

2. "Approved plans" means the most current grading plans which bear the signature or stamp of approval of the City Engineer.

3. "Archaeologist" means a person who does scientific study of material remains of past human life and activity.

4. "As-graded" means the surface and subsurface conditions and configuration upon completion of grading.

5. "Bedrock" means in-place solid rock.

6. "Bench" means a relatively level step excavated into earth material on which fill is to be placed.

7. "Borrow" means earth material acquired from an off-site location for use in grading on a site.

8. "Borrow pit" means premises from which soil, sand, gravel, decomposed granite or rock are removed for any purpose.

9. “Borrow pitting” means excavation created by the surface mining of rock, unconsolidated geological deposits, or soil to provide material (borrow) for fill elsewhere.

10. “Building pad” means that portion of an embankment and/or excavation contained within an area bounded by a line five feet outside the foundation footing for a building.

11. “Building site” means that portion of an embankment and/or excavation containing the building pad(s) and lying within an area bounded by the top of slopes and/or toe of slopes within the lot or parcel.

12. “Certify” or “certification” means a signed written statement that the specific inspections and tests required have been performed and that the works comply with the applicable requirements of this chapter, the plans and the permit.

13. “Civil engineer” means a professional engineer registered in the state to practice in the field of civil engineering.

14. “Civil engineering” means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials for evaluation, design and construction of civil works for the beneficial uses of the population.

15. “Clearing” and “brushing” means the removal of vegetation (grass, brush, trees and similar plant types) above the natural surface of the ground.

16. “Compaction” means densification of a soil or rock fill by mechanical or other acceptable procedures.

17. “Contour grading” means grading which creates, or results in, land surfaces which reflect the pre-graded natural terrain or that simulates natural terrain, i.e., rounded non-planar surfaces and rounded, non-angular intersections between surfaces.

18. “Contractor” means a contractor licensed by the state to do work under this chapter. A contractor may be authorized to act for a property owner in doing such work.

19. “Design and development standards” means the standards published by the City for land development activities, which standards may be published in a single document, or a combination of documents, and may be updated as needed to comply with industry practice or changes in the law.

20. “Earth material” means any rock, natural soil, or fill and/or any combination thereof.

21. “Embankment” or “fill” is any act by which earth, land, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location and the condition resulting therefrom.

22. Engineer, Private. “Private engineer” means a civil engineer registered by the state. A private engineer may be authorized to act for a property owner in doing work covered by this chapter.

23. “Engineering geologic report” means a report prepared under the supervision of an engineering geologist providing a geological map of a site, information on geologic measurements and exploration performed on the site and surrounding area and, providing recommendations for remedial measures necessary to provide a geologically stable site for its intended use.

24. “Engineering geologist” means a certified engineering geologist, registered by the state to practice engineering geology.

25. “Engineering geology” means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

26. “Erosion” means the process by which the ground surface is worn away by the action of water or wind.

27. “Erosion control system” means any combination of desilting facilities, retarding basins, and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities and receiving waters from the deposition of sediment or dust.

28. “Expansive soil” means any soil with an expansion index greater than twenty, as determined by the Expansive Soil Index Tests (UBC Std. 29-32).

29. “Exploration” or “prospecting” means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quantity of minerals present.

30. “Excavation” or “cut” means any earth, sand, gravel, rock or other similar material which is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed by people and the conditions resulting therefrom.

31. “Fault” means a fracture in the earth’s crust along which movement has occurred. An active fault is one that exhibits separation in historic time or along which separation of Holocene deposits can be demonstrated. If Holocene deposits are not offset, but numerous epicenters have been recorded on or in close proximity to the fault, a classification of active may be used.

32. Fill, Nonstructural. “Nonstructural fill” means any embankment on which no soil testing was performed or no compaction reports or other soil reports were prepared or submitted.

33. “Geologic hazard” means any geologic feature capable of producing structural damage or physical injury. Geologic hazards include:

(a) Landslides and potential slope instabilities resulting from bedding faults, weak claystone beds, and oversteepened slopes;

(b) Deposits potentially subject to liquefaction, seismically-induced settlement, severe ground shaking, surface rupture, debris flows, or rock falls resulting from fault activity;

(c) Deposits subject to seepage conditions or high groundwater table.

34. “Geotechnical report” means a report which contains all appropriate soil engineering, geologic, geohydrologic, and seismic information, evaluation, recommendations and findings. This type of report combines both engineering geology and soil engineering reports.

35. “Grade” means the elevation and cross-sections established for the finished surface. All grades must be based upon the official datum of the City.

36. “Grading” means any excavating or filling or combination thereof.

37. “Grading permit” means a permit issued pursuant to this chapter.

38. “Grubbing” means the removal of roots and stumps.

39. “Key” means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

40. “Land development” means making excavations and embankments on private property and the construction of slopes, drainage structures, fences and other facilities incidental thereto.

41. “Landscape architect” means a landscape architect, registered by the state, who performs professional work in physical land planning and integrated land development, including the design of landscape planting programs.

42. “Landslide” means the downward and outward movement of soil, sand, gravel, rock or fill or a combination thereof.

43. “Mined lands” includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

44. “Minerals” are any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to aggregate, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas and petroleum.

45. “Mining waste” includes the residuals of soil, rock, mineral, liquid, vegetation, equipment, machines, tools or other material or property directly resulting from or displaced by, surface mining operations.

46. “Natural terrain” means the lay of the land prior to any grading.

47. “On-site construction” means those earth material moving activities (such as excavation, grading, compaction, and the creation of fills and embankments) which are required to prepare a site for construction of structures, landscaping, or other land improvements if resultant excavations, fills, grades, or embankments are beneficially modified by such construction of structures, landscaping or other land improvements. Excavations, fills, grades or embankments that of themselves constitute engineered works such as dams, road cuts, fills, catchment basins, or levees are not considered to be surface mining operations. Earth material moving activities in areas either on or off-site where the results are modified by construction of structures, landscaping or other land improvements, and that do not of themselves consist of land improvements, and that do not of themselves consist of engineered works are deemed to be surface mining operations unless exempted under the Surface Mining and Reclamation Act.

48. “Operator” means any person who is engaged in grading operations him or herself, or who contracts with others to conduct operations on his or her behalf.

49. “Overburden” means soil, rock or other materials that lie above a natural deposit or in between deposits, before or after their removal.

50. “Owner” means any person, agency, firm or corporation having a legal, possessory or equitable interest in a given piece of real property.

51. “Paleontologist” means a person who holds an advanced degree, who is affiliated with a recognized institution such as a museum or university and who is actively engaged in the research of prehistoric life through the study of plant and animal fossils.

52. “Paving” means all paving related operations such as surfacing, resurfacing, curbs, gutters, sidewalks, and ramps or as otherwise described within the City’s Best Management Practices Design Manual, Priority Development Categories.

53. “Permittee” means any person to whom a permit is issued pursuant to this chapter.

54. “Planning Director” means the Director of development services or a duly authorized representative.

55. "Preliminary soil engineering report," also referred to as "preliminary geotechnical investigation report" means a report prepared under the responsible supervision of a soil engineer which includes preliminary information concerning engineering properties of soil and rock on a site prior to grading, describing locations of these materials and providing recommendations for preparation of the site for its intended use.

56. "Premises" means contiguous property in the same ownership.

57. "Property owner" means the owner, subdivider or developer of real property which will be benefited by the proposed land development work.

58. Property, Public. "Public property" means property owned in fee by the City, or dedicated for public use.

59. "Public interest slope" means any manufactured slope which meets any one of the following criteria:

    (a) A vertical height in excess of fifteen feet;

    (b) A vertical height in excess of five feet located on the exterior of a subdivision and exposed to view from any point outside the subdivision;

    (c) A vertical height in excess of five feet which will be visible after completion of the buildings to be placed on the subject graded area from any circulation element road, from any existing or proposed public buildings, public facility, or publicly used property, from any private property two streets or more away from the slope in question or from any private homes existing at the time of creation of the slope;

    (d) Any slope in the hillside overlay zone.

60. "Public rights-of-way" means public easements or dedications for streets, alleys, drainageways and/or other uses.

61. "Publicly used property" means property that is used frequently by persons other than the residents and/or owners.

62. "Reclamation" means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health and safety, and is consistent with the general plan, zoning ordinance and applicable specific plans. The process may extend to affected land and surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

63. “Relative compaction” means the in-place dry density (determined by ASTM D1556, or other City Engineer approved equal) expressed as a percentage of the maximum dry density (determined by ASTM D1557, or other City Engineer approved equal).

64. “Retaining wall” means a wall designed to resist the lateral displacement of soil or other materials.

65. “Rough grading” means the condition where ground surface approximately conforms to the design grade, generally within 0.1 feet, and all compaction of fills and embankments have been performed to the specifications required by the soil engineer.

66. “Slope” means the inclined exposed surface of a fill, excavation of natural terrain.

67. “Soil” means earth material of whatever origin, overlying bedrock and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

68. “Soil engineer” means a registered civil engineer who holds a valid authorization to use the title “soil engineer” as provided in Section 6736.1 of the California Business and Professions Code. The terms “geotechnical engineer,” “soils engineer” and “soil and foundation engineer” are deemed to be synonymous with the term “soil engineer.”

69. “Soil engineering” means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

70. “Soil engineering report” means a report prepared under the responsible supervision of a soil engineer which includes information on site preparation, slope heights and gradients, compaction of fills placed, placement of rock, treatment of expansive soils, providing recommendations for structural design and approving the site for its intended use.

71. “Stockpile” means a temporary, uncompacted fill or embankment placed by artificial means, which is designated or intended to be moved, or relocated at a later date.

72. “Subdivider” means a person, firm, corporation, partnership or association who causes land to be divided into one or more lots or parcels for him or herself or others as defined by those sections of the Government Code known as the Subdivision Map Act.

73. “Substantial conformance” means grading that conforms to Section 11.40.390 of this chapter.

74. "Suitable material" means any soil or earth material which, under the criteria of this chapter or under the criteria of an approved geotechnical report, is suitable for use as fill or for other intended purposes.

75. "Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to:

    (a) Borrow pitting, streambed skimming, segregation, and stockpiling of mined materials;

    (b) In-place distillation, retorting or leaching;

    (c) The production and disposal of mining wastes;

    (d) Prospecting and exploratory activities.

76. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

77. "Unsuitable materials" means any soil or earth material having properties or characteristics which, under the criteria of this chapter or under the criteria contained in any approved geotechnical report, make it unsuitable for use as fill or for any other intended use. These properties or characteristics include, but are not limited to, organic content of the material exceeding three percent, rock diameters exceeding eight inches, the presence of concrete or asphalt, or the presence of expansive soils within three feet of finish grade of any area intended or designed as a location for a building. (Ord. 234 § 1, 1989)

ARTICLE 2. PERMITS AND FEES

11.40.100 Land development work—Permit required.

A. Except as exempted in Section 11.40.105, it is unlawful for any person to do any grading or allow any grading on their property unless the person or owner has a valid grading permit issued by the City Engineer authorizing such grading.

B. An owner is presumed to have allowed grading which has been done on property occupied by him/her or is under his or her dominion and control. This presumption is a presumption affecting the burden of producing evidence.

C. A separate grading permit is required for each legal parcel, non-contiguous site, development, or each separate subdivision final map for which grading is to be performed.

D. A grading permit is required for all grading done for the growing of agricultural plants or raising agricultural animals.

E. A grading permit is required for the construction of any retaining wall on or within five (5) feet of any property line. (Ord. 234 § 1, 1989)

11.40.105 Designated exceptions.

The following grading activities are exempt from the requirement to obtain a grading permit under the provisions of this chapter:

A. Depositing materials in any disposal area operated by or licensed by the City or the county.

B. Grading which meets all of the following limitations:

1. Is on a single legal lot or contiguous ownership,

2. Involves the movement of not more than 200 cubic yards of earth,

3. The cut in the cut area and/or the fill in the fill area, at their deepest points, do not exceed a depth of five feet in vertical depth measured from the original ground,

4. The fill is not intended to support structures,

5. The finished cut and/or fill slopes are not steeper than two horizontal to one vertical (2:1),

6. The finished grading does not alter the drainage patterns either upstream or downstream from the grading,

7. None of the fill is placed on existing ground having a slope steeper than five horizontal to one vertical (5:1), which is a 20% slope,

8. None of the grading is closer than five feet to adjacent parcel, and

9. The finished slopes are protected from erosion and the downstream properties are protected from siltation resulting from the grading.

C. Any of the following, if authorized by a valid building permit approved and issued by the planning Director and provided that any embankment constructed with the excess material from the excavation is disposed of under an approved grading permit or on-site without creating embankments more than five feet in unsupported height:

1. Excavation below finish grade for basements;

2. Footings or foundations for buildings, manufactured homes, retaining walls or other structures;

3. Swimming pools, septic tanks, leach lines, or other subsurface structures or facilities.

D. Exploratory excavations under the direction of a soil engineer, archaeologist, paleontologist or engineering geologist. Such excavations must be properly backfilled and compacted or otherwise restored.

E. When approved by the City Engineer, excavation for the sole purpose of recompaction as specified or recommended by an approved soils report.

F. Grading for which inspection is provided by the City and which is done by a developer or contractor pursuant to city-approved improvement plans within public rights-of-way and adjacent slope rights areas independent of adjacent land development work, or grading done pursuant to a permit for excavation in public streets.

G. Except as provided in the following Subsections, clearing and brushing when directed by the fire chief to mitigate a fire hazard, with the concurrence of the planning Director that such clearing and brushing will not cause significant damage to any rare, endangered or protected species of plant or wildlife or cause any significant damage to any habitat of any rare, endangered or protected species of wildlife. The exemptions in this section do not apply to clearing, grubbing, brushing or grading when:

1. Grading will occur in or physically impact designated or dedicated open space or environmentally sensitive areas designated in the general plan or shown on any approved specific plan;

2. Grading will occur in any waterway or wetland, stream, river, channel, pond, lake, marsh, bog, lagoon, vernal pool or riparian habitat;

3. Grading will occur in any floodway or floodplain as shown on the San Diego County flood plain maps or on city revised maps;

4. Grading will occur in any officially mapped area in high geologic risk zone (Zone “C” and “D”) as defined by the geotechnical/seismic study for the general plan;

5. Grading will occur in the hillside overlay district; or

6. Grading will occur in any other sensitive areas such as archaeological sites, historical sites or burial grounds.

H. Paving related activity disturbing less than 5,000 square feet. (Ord. 234 § 1, 1989)

11.40.110 Permit applications.

A. The owner, or owner’s authorized agent, of any property that requires a grading permit under this chapter must sign and submit a grading permit application on a form approved by the City Engineer.

B. A separate grading permit application is required for each grading permit.

C. A complete grading permit must include following items, unless otherwise waived or specified by the City Engineer, or this chapter:

1. Grading plan pursuant to Section 11.40.120;

2. Separate plot plan pursuant to Section 11.40.125;

3. Preliminary soil engineering report pursuant to Section 11.40.130;

4. Landscape and irrigation plans (may be submitted with the second plan check submittal) pursuant to Section 11.40.135;

5. Erosion control plans, if required by Section 11.40.140;

6. Drainage study;

7. Haul route, including source of borrow or disposal;

8. Grading plan check fee pursuant to Sections 11.40.215 and 11.40.220;

9. Soil engineering report review fee pursuant to Section 11.40.225;

10. Deposit for independent third party review of soil report, if required, pursuant to Section 11.40.225;

11. Inspection fees (may be paid at any time prior to issuance of permit) pursuant to Section 11.40.230;

12. Proof of legal lot (may be waived byCity Engineer if grading is pursuant to an approved tentative map or zoning permit);

13. Computer graphics of existing and graded conditions, and/or other displays;

14. Plans, specifications and other supplemental data, as specified in this chapter, the design and development manual and the subdivision ordinance.

D. A complete grading permit application must be submitted for city review and approval along with the following items:

1. Paving Plan Paving demonstrating that the paving will not alter the existing drainage conditions of the site, redirect drainage onto another property where it did not previously occur, or will comply with all City requirements related to alterations of drainage conditions.

2. Grading Plans

3. Storm Water Intake Form

4. Priority Development or Standard Development Storm Water Quality Management Plan (as determined by completing the Storm Water Intake Form)

5. Schedule for work

6. Best Management Practices Plan Sheet

7. Engineer's Estimate

E. The City Engineer may require additional data or information, eliminate, or modify any of the above requirements, including those items in Section 11.40.115.

F. Any change in application requirements or applicable fees that is effective before a grading permit is issued applies to any pending application for a grading permit under the following conditions:

1. A change of policy or direction by the City Council;

2. A change in the applicable laws, including the grading ordinance or fee schedule approved by the City Council;

3. Discovery that the plans, application, or fees violate or do not meet existing laws, ordinances, or policies or conform to the requirements of other permits or approvals, such as zoning permits or subdivision maps;

4. Discovery of any design defect, soil or geologic hazard, or any other fact or item which, if left unchanged, could cause damage, harm or hazard to public or private properties, or to life, limb or the general public's safety or welfare.

If, as a result of discoveries described in subdivisions 3 and 4 of this Subsection, changes are directed, the application expiration date will be extended for thirty days, or for such other time as the City Engineer grants to accomplish all required changes.

G. The time limits set out in this section apply to all grading plans and applications. (Ord. 234 § 1, 1989)

11.40.115 Additional information.

In addition to the application requirements of Section 11.40.110, the City Engineer may require submission of any or all of the following items as part of a grading permit application:

A. Special erosion control plans, including landscape and irrigation plans, erosion and sediment control plans, and stormwater pollution prevention plans;

B. Hydrology and hydraulic reports;

C. Application for environmental initial study (AEIS);

D. Geotechnical reports on seismicity and geology;

E. Letters of permission from adjacent owners or easement holders to grade off-site or on easements;

F. Right of entry;

G. Waiver and release to divert or concentrate drainage affecting downstream off-site property;

H. Easement and flowage rights documents.

Recommendations included in such reports and plans accepted by the City Engineer become part of and are incorporated into the grading plan, landscape and irrigation plan and the land development specifications. (Ord. 234 § 1, 1989)

11.40.120 Grading and paving plan requirements.

A. Grading and paving plans required by this chapter must be prepared and submitted with the grading permit application in accordance with the design and development standards approved by the City Engineer and available from the department of development services.

B. All grading and paving plans must be signed by a registered civil engineer and by the soil engineer. The City Engineer may waive this requirement when the proposed grading or paving is on a single lot or parcel not proposed for further subdivision and, in the opinion of the City Engineer, the proposed grading entails no hazard to any adjacent property, does not necessitate construction of extensive drainage structures or erosion control facilities, and does not interfere in any way with existing natural or improved drainage courses or channels.

C. In addition to any other grounds for stopping work provided by law or set forth in this code, the City Engineer may stop work and require amendment or change of approved grading, paving, erosion control or landscape and irrigation plans for any of the following reasons:

1. Extension or renewal of the grading permits;

2. Changes have been made in the actual work which are not reflected on the approved plans;

3. The scope or quantity of grading or paving has been changed;

4. Construction, traffic, drainage, soil, geologic, public safety or environmental problems not considered, known, or evident at the time of permit issuance or plan approval become evident. (Ord. 234 § 1, 1989)

11.40.125 Plot plans.

Each separate plot plan required by this chapter must show the location of the land development boundaries, lot lines, public and private rights-of-way lines, and precise grading information

required by the City's design and development standards. A print of the approved tentative map or tentative parcel map showing the required information may be submitted in lieu of a plot plan. (Ord. 234 § 1, 1989)

11.40.130 Preliminary soil engineering and geology reports.

A. Three copies of a preliminary soils engineering report required by this chapter must be submitted with the application for a grading permit. Each soil engineering report must be prepared by a soil engineer and contain all information applicable to the project in accordance with generally accepted geotechnical engineering practice. The preliminary soil engineering report must include the following, at a minimum:

1. Information and data regarding the nature, distribution, and the physical and chemical properties of existing soils;

2. Location of faults as defined by a registered geologist or certified engineering geologist;

3. Conclusions as to the adequacy of the site for the proposed grading;

4. Recommendations for general and corrective grading procedures;

5. Foundation design criteria;

6. Slope gradient, height and benching, or terracing recommendations;

7. The potential for groundwater and seepage conditions and procedures for mitigation of the groundwater-related problems;

8. For all slopes in the Friars Formation, regardless of the slope ratio, a slope stability analyses and a written statement indicating acceptable slope stability;

9. Other recommendations, as necessary, commensurate with the project grading and development.

B. The soil engineer and engineering geologist should refer to Safety Element of the Santee General Plan and any modification, amendment, or reissuance in preparing the reports required by this section.

C. Recommendations contained in the approved reports become part of and are incorporated into the grading plans and specifications and become conditions of the grading permit.

D. Preliminary geological investigations and reports are required for all land development projects designated as Group I or Group II, except those Group II projects located in Zone "A" as shown on Figure 8-3, Seismic Hazards and Study Areas Map, (for which a geological reconnaissance will be required), as outlined in Table 8.1 of the City general plan. This requirement may be extended to adjacent properties where known or reasonably inferred

instability may adversely affect the property. The preliminary geological investigation report must include the following at a minimum:

1. A comprehensive description of the site topography and geology including, where necessary, a geology map;

2. A statement as to the adequacy of the proposed development from an engineering geologic standpoint;

3. A statement as to the extent that known or reasonably inferred stability on adjacent properties may adversely affect the project;

4. A description of the field investigation and findings;

5. Conclusions regarding the effects geologic conditions will have on the proposed development;

6. Specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development;

7. Provide other recommendations, as necessary, commensurate with the project grading and development.

E. The preliminary geological investigation report may be combined with the preliminary soils engineering report.

F. A seismicity study and report is required for all land development projects designated as Group I and for those designated as Group II and located in Zone "C" shown on Figure 8-3, Seismic Hazards and Study Areas Map, of the City general plan. The report must be prepared by an engineering geologist or a soil engineer with expertise in earthquake technology and its application to buildings and other civil engineering works. The seismic report may be combined with the soil and geologic investigation reports. (Ord. 234 § 1, 1989)

11.40.135 Landscape and irrigation plans.

A. Landscaping and irrigation facilities are required for all public interest slopes, all graded slopes higher than three feet, and all graded areas determined by the City Engineer to be susceptible to erosion within all residential, commercial and industrial development, subdivisions, borrow areas, disposal areas, and other graded areas. The City Engineer may waive or amend this requirement, if such waiver or amendment does not conflict with a subdivision or zoning permit. Landscape and irrigation plans and specifications must maximize the use of drought resistant plants and provide for water conservation measures throughout the planting, irrigation and maintenance plans and specifications.

B. The landscape and irrigation plan required by this chapter must be prepared and signed by a landscape architect, unless this requirement is waived by the City Engineer, if such waiver or amendment would not be in conflict with a subdivision or zoning permit. The required

landscape and irrigation plan must be submitted with the second check of the grading plans and is subject to the review and approval of the City Engineer.

C. The landscape and irrigation plan must conform to the City's design and development standards and be presented on a duplicate mylar of the grading plans and include specifications for preparing existing soils or applying topsoil amendments to the slopes to encourage vigorous growth.

D. Landscape and irrigation plans must comply with Chapter 13.36 of the Santee Municipal Code. (Ord. 491 § 5, 2009; Ord. 234 § 1, 1989)

11.40.140 Erosion control plans.

When required by Chapter 9.06 or when the City Engineer determines that an erosion control system is required on a site, an applicant for a grading permit must submit plans for an erosion control system in accordance with the City's design and development standards and submitted for the review and approval of the City Engineer. The approved erosion control plans become part of the grading plans and a condition of issuance of the grading permit. (Ord. 234 § 1, 1989)

11.40.145 Application coordination—Multi-departmental cooperation.

When the nature of work proposed in a grading permit application falls within the requirements of, or affects the operation of, any other department of the City, the City Engineer must obtain and consider the recommendations of applicable city departments in determining the disposition of the application. (Ord. 234 § 1, 1989)

11.40.150 Grading for building construction.

A. Before a building permit can be issued for land development work incidental to or in connection with the construction of a building or structure, the property owner must complete the following:

1. apply for and obtain a grading permit;

2. complete the grading phase of the land development work;

3. submit a soils report, including, relative compaction of the pads and verification of pad elevations;

4. request, two working days prior to the inspection, and pass inspection of the grading work, if required pursuant to subdivision B.

B. The City Engineer may require a field inspection of the completed grade with representatives of appropriate city departments, the permittee, civil engineer, and soil engineer before the issuance of a building permit.

C. The planning Director will not certify the completion of the building where land development work has been done until a grading permit is obtained and certified as complete. (Ord. 234 § 1, 1989)

11.40.155 Early subdivision grading.

Grading of a subdivision is not permitted prior to approval of the final map unless specifically approved as a condition of the tentative map. If early subdivision grading is approved as a condition of the tentative map, the subdivider must obtain a grading permit pursuant to the requirements of this chapter; provided that the application for a grading permit must be accompanied by detailed plans and specifications based upon the approved tentative map in conformity with the provisions of sections 11.40.110 through 11.40.140 of this chapter, and by a schedule and estimate based upon the plans and specifications. (Ord. 234 § 1, 1989)

11.40.160 Environmental review.

A. Except as otherwise provided in this chapter, every application for a grading permit is subject to environmental review by the planning Director to determine whether the grading, if carried out as proposed, could have a significant impact on the environment. If the Director determines that the grading may have a significant impact on the environment, the Director may require the applicant to prepare environmental studies or an initial study.

B. The environmental review required by subdivision A is not required if any of the following conditions are met:

1. The City Council, planning commission, orCity Officer having final authority for project approval, has approved a negative declaration or certified an environmental impact report which considered the proposed grading or has determined that the project which included the proposed grading, would not have a significant effect upon the environment; or

2. The proposed grading is on land which at no point has a slope steeper than ten percent, and the average cut in the cut area does not exceed five feet, and there is no cut in excess of ten feet (for purposes of the ten foot requirement, the cut or fill measurement must be taken vertically at the deepest point of the cut or fill to the natural ground surface), unless the conditions identified in Subsection B of this section apply.

C. Subdivisions 1 and 2 of Subsection B notwithstanding, if, in the opinion of the City Engineer or the planning Director, there are unusual conditions with respect to the property for which an application is filed which renders an environmental review desirable or necessary, the City Engineer will refer the application to the planning Director for the determination. Such unusual conditions include, but are not limited to, grading activity on land included in:

1. Watercourses;

2. Wetlands;

3. Scenic corridor zones or other areas officially designated by the federal government, state governments, or the City general plan as scenic areas;

4. Areas of severe geologic hazard as identified in the general plan;

5. Riparian habitats;

6. Hillside areas as defined in the hillside overlay district shown on the City zoning map;

7. Areas with significant cultural resources as identified in the general plan;

8. Areas containing significant biological resources as identified in the general plan. (Ord. 234 § 1, 1989)

11.40.165 Right of entry—Indemnification of city.

Prior to receiving a grading permit, the owner of the site to be graded and the contractor, if any, must grant the City a right of entry into the site to inspect and to correct grading not performed in compliance with the terms and conditions of the permit. The owner and the contractor must also agree to indemnify the City for any claims or damages which may result from the City's entry onto the property including from any corrective action taken pursuant to such right of entry. The right of entry and indemnification required by this section must be in a form approved by the City Attorney. (Ord. 234 § 1, 1989)

11.40.170 Restriction on permit issuance—Excessive grades.

A. Except as provided in subdivision B, it is unlawful, and no grading permit may be issued, for any person to grade on natural grades or slopes that exceed 25% gradient through a vertical rise of more than twenty-five feet, unless specifically approved by the City Council.

B. The following are exempt from the prohibition in subdivision A of this section:

1. the movement of earth for small projects such as custom lots, individual building foundations, and driveways approved by the planning Director,

2. the movement of earth for local roads or trenches to mitigate a geologic hazard to adjacent property, and

3. the movement of earth necessary for the construction of access or fire roads, as approved by the City Engineer. (Ord. 234 § 1, 1989)

11.40.175 Nonstructural fills.

A. Except for temporary stockpiles, nonstructural (uncompacted) fills are prohibited unless specifically authorized by the City Engineer and planning Director.

B. Applications for grading permits involving nonstructural fills must be accompanied by an agreement for development of nonstructural fills signed by the property owner and containing the following provisions:

1. The development work must be designated as nonstructural fill and must be constructed in accordance with grading plans approved by the City Engineer;

2. The owner acknowledges that as a nonstructural fill, the site is not eligible for a building permit until, subject to the review and approval of the City Engineer, a soils investigation report, additional geotechnical reports in accordance with Section 11.40.130, and any other pertinent information as deemed necessary by the City Engineer, have been submitted and approved by the City;

3. The land development work must be done and maintained in a safe, sanitary and non-nuisance condition at the sole cost, risk and responsibility of the owner and the owner's successors in interest, who must hold the City harmless with respect thereto;

4. Other provisions that, in the opinion of the City Attorney and the City Engineer, afford protection to the property owner and the City

C. The agreement for nonstructural fills must be presented to the City Council for approval, and if approved, the agreement or notice of the agreement must be recorded in the office of the county recorder. The notice must remain in effect until release of the agreement is filed by the City Engineer. If the county recorder refuses to record notice of the agreement against the property, such agreement becomes void. (Ord. 234 § 1, 1989)

11.40.180 Borrow pits—Zoning permit required—Exceptions.

A. When borrow or waste material is to be removed from or deposited on a land development site, no grading permit for the land development site will be issued unless a zoning permit has been issued for the operation of a borrow pit on the borrow pit site, a legally nonconforming borrow pit is being operated on the borrow site, or the removal comes within one or more of the following exceptions:

1. Where such removal is to complete, within one year after beginning such removal, the grading of land in accordance with a grading plan for any of the following, provided that the grading plan has been approved by the City Engineer as being reasonably necessary and incidental to the development and improvement of the premises, building or structure:

   (a) for a subdivision of such land established by the filing of a final subdivision map;

   (b) for the division of such land created pursuant to a parcel map filed in accordance with Title 12 of this code;

   (c) for the preparation of a site for a building or structure;

(d) a grading plan approved by the planning Director and City Engineer as being reasonably necessary and incidental to the use of the premises in accordance with a zoning permit issued pursuant to Title 13 of this code;

2. Where such removal is incidental to the operation of a mine authorized pursuant to Article VI of this chapter; or

3. Where such removal does not exceed five hundred cubic yards;

4. Where the City Engineer and planning Director concur that the proposed grading is reasonably necessary to provide material exclusively for a specific city project authorized by the City Council; or

5. Where such removal is necessary to repair flood damage in accordance with an emergency watercourse permit issued by the Director. (Ord. 234 § 1, 1989)

11.40.185 Drainage easements required.

A. Prior to issuance of a grading permit for land development activities that involve installation of improvements to public or private watercourses or otherwise impact such watercourses, the applicant must satisfy the following:

1. For all public watercourses, the applicant must grant or cause to be granted to the City a drainage easement in accordance with the design and development standards;

2. For all private watercourses where the continuous functioning of the drainageway is essential to the protection and use of multiple properties, the applicant must:

(a) record or cause to be recorded a covenant, maintenance agreement, and/or deed restriction which establishes the owner of each lot as responsible for maintenance of the drainageway(s);

(b) acquire and record permanent off-site drainage easements, to the satisfaction of the City Engineer.

B. Prior to issuance of a grading permit for land development activities that do not involve installation of improvements to public or private watercourses, but which, in the opinion of the City Engineer, must be kept open and clear for natural storm water runoff, the applicant must grant a flowage easement to the City on a form approved by the City Attorney. (Ord. 234 § 1, 1989)

11.40.190 Permit applications—Expiration and extension.

Except as otherwise provided in this chapter, any grading permit application for which a valid grading permit has not been issued expires 180 days after the City receives the application, at which time the application and plans, whether or not the grading plans have been approved and signed by the City Engineer, are invalid. (Ord. 234 § 1, 1989)

11.40.195 Issuance of permits.

The City Engineer is authorized to issue grading permits for land development work that complies with the requirements of this chapter. A grading permit includes the conditions, plans and specifications set forth in any plans or other documents required by this chapter. (Ord. 234 § 1, 1989)

11.40.200 Denial of permits.

The City Engineer is not authorized to issue a grading permit in the following cases:

A. Hazardous Grading. The City Engineer is not authorized to issue a grading permit in any case where the City Engineer finds or infers that the work proposed by the applicant will:

1. Damage any private or public property; or

2. Expose any property to landslide or geologic hazard; or

3. Adversely interfere with existing drainage courses or patterns; or

4. Cause erosion which could result in the depositing of mud, silt or debris on any public or private street or way; or

5. Create any hazard to person or property.

B. Geological Hazard. The City Engineer is not authorized to issue a grading permit if, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological hazard and no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to person or property.

C. Flood Hazard. The City Engineer is not authorized to issue a grading permit if, in the opinion of the City Engineer, the proposed grading would adversely affect the flow of runoff or would alter runoff to the detriment of upstream, downstream or adjacent properties.

D. Subdivision or Zoning Permits. The City Engineer is not authorized to issue a grading permit if the purpose of the proposed grading, as stated in the application or as determined by the City Engineer and planning Director, is to prepare the land for subdivision or for some use for which a zoning permit is required, unless and until a subdivision map or a zoning permit has been approved or conditionally approved, and the subdivision map or zoning permit is not threatened with expiration:

E. Other Reasons. The City Engineer is not authorized to issue a grading permit in the following cases:

1. if the City Council prohibits issuance of a grading permit;

2. if prohibited a duly enacted moratorium, court order, injunction, or other legal order;

3. if the applicant or owner has failed to comply with the provisions of this code;

4. if the work proposed is not consistent with any element of the City general plan, any specific plan, land use ordinance or regulation, zoning ordinance regulation or permit, or subdivision map;

5. if the application proposes land development which is not in the interest of the public health, safety, or general welfare, or

6. if the application proposes land development which does not constitute a reasonable use of land as indicated by the existing zoning or an approved land use plan. (Ord. 234 § 1, 1989)

11.40.205 Appeals.

An applicant may appeal the City Engineer's denial of, or the conditions of approval of, an application for a grading permit to the City Council in accordance with Chapter 1.14. In addition, the planning Director must notify the owners of record, interested persons signing the appeal, and owners of adjacent land identified by the City Engineer as being affected by the proposed grading. (Ord. 234 § 1, 1989)

11.40.210 Permit expiration, extension and cancellation.

A. Validity. Unless a grading permit is canceled or expires by limitations as set forth in this section, a grading permit expires on the date specified on the permit, which date may be a maximum of one year after the date of issuance. All work authorized in a grading permit must be completed before the grading permit expires.

B. Expiration by limitation. Grading permits expire by limitation and become null and void if the work authorized by the permit is not commenced and diligently pursued within one hundred eighty (180) days after the date of permit issuance, or if work authorized by the permit is stopped, suspended or abandoned for a period of one hundred eighty (180) days. For purposes of this section, work authorized by a grading permit is "diligently pursued" when it is of a magnitude, frequency, or complexity as to require the regular services of the permittee's soil engineer and/or civil engineer or other professionals, and is inspected at regular intervals by the City.

C. Extensions. A permittee may submit a written request, prior to expiration of a grading permit, for an extension of the expiration date of a grading permit. On receipt of a timely request, the City Engineer is authorized to extend the expiration date of a grading permit, as follows:

1. the City Engineer may extend the period in which the permittee must complete the work authorized by the grading permit for up to one (1) year if the authorized work is timely commenced and diligently pursued but is not completed within the permit period;

2. the City Engineer may extend the period in which the permittee must commence and diligently pursue work, for one hundred eighty (180) days, provided the permittee demonstrates that circumstances beyond the permittee's control prevent commencement of the approved work.

If work is not commenced, diligently pursued, or completed, within the extension period specified in this section, then the permit expires and is null and void.

D. Cancellation. The City Engineer may cancel a permit or may require the plans to be amended in the interest of public health, safety and welfare or under any of the following conditions:

1. Upon the request of the permittee;

2. When the facts are not as presented by the permittee in the application;

3. When work, as constructed or as proposed to be constructed, creates a hazard to public health, safety and welfare;

4. When facts are revealed during grading requiring modifications to achieve desired results. (Ord. 234 § 1, 1989)

11.40.215 Fee schedule—Generally.

A. An applicant for a grading permit must pay all fees required by this chapter and established by resolution of the City Council to the Director of finance. The City Engineer is not authorized to issue any permit authorizing land development until the Director of finance receives the fees required by this chapter.

B. The City Engineer may require the payment of additional fees for any of the following reasons:

1. Extension or renewal of the grading permit;

2. Enlargement of the scope or quantity of grading or any change which increases the need for inspection or administration of the project;

3. Additional soil or geotechnical review by a third party of any modified grading.(Ord. 234 § 1, 1989)

11.40.220 Plan check and permit fees.

A. Before the City Engineer is authorized to accept an application and grading and/or landscape and irrigation plans and specifications for checking, the applicant must pay a plan check fee in the amount established by resolution of the City Council.

B. Unless otherwise specified by resolution of the City Council, the plan check fee for a grading permit authorizing additional work under a valid permit is the difference between

the plan check fee paid for the original permit and the fee required for the entire project. (Ord. 234 § 1, 1989)

11.40.225 Preliminary soils engineering report review fee.

Before the City Engineer is authorized to accept a preliminary soils engineering report for review, the applicant must pay a report review fee for each individual report submitted for review in an amount established by resolution of the City Council. Additional deposits may be required for independent review of the soil engineering report. (Ord. 234 § 1, 1989)

11.40.230 Inspection fees.

Before the City Engineer is authorized to issue a grading permit, the applicant must pay in inspection fee in an amount established by resolution of the City Council to cover the City's expenses, costs, and overhead for field inspection, office engineering, and administration of the work performed, including landscape and irrigation work. (Ord. 234 § 1, 1989)

11.40.235 Work commenced before permit issuance—Fee.

A. In addition to any penalty for violation of this code and in addition to the fees required in this chapter, a separate fee, in an amount established by resolution of the City Council, but in no case less than $500, is required for any work commenced prior to obtaining a permit required by this chapter.

B. Payment of such fee does not relieve any person from any liability for failing to comply with this chapter. The fee prescribed in this section is not a penalty but defrays the expense of enforcement of the provisions of this chapter and may be assessed for each violation cited. (Ord. 234 § 1, 1989)

11.40.240 Fee exemptions.

The City Engineer is authorized to issue grading permits without collecting all or part of the fees required by this chapter when the work is approved and inspected by a county, state or federal agency. (Ord. 234 § 1, 1989)

11.40.245 Refunds.

A. The Director of finance is not authorized to refund fees collected pursuant to this chapter, in whole or in part, except as provided in this section.

1. Plan check fees. Plan check fees may be refunded, less any city expenses, including overhead incurred, upon the applicant's request, provided no plan checking has commenced. No refund of plan check fees is authorized after issuance of a permit.

2. Report review fees. Prior to review of a report, any fees paid for report review are refundable, less a handling charge, upon the applicant's request, provided the

permit has expired, or is withdrawn, or if the project does not warrant preparation of a soil engineering report.

3. Inspection fees. Grading inspection fees may be refunded, less a handling charge and city expenses, at any time prior to the start of the work authorized by the permit, upon the applicant's request, provided the grading permit has expired or has been withdrawn.

B. Notwithstanding subdivision A, no refund is authorized

1. if the applicant or permittee has any outstanding debts owed to the City, or if corrective work remains to be done on the grading work itself.

2. if a request for refund is submitted to the City more than one year after the date of payment of the fee sought to be refunded;

3. if the total refundable amount, after deduction of city costs as provided in this section is less than twenty-five dollars. (Ord. 234 § 1, 1989)

ARTICLE 3 DESIGN STANDARDS

11.40.300 Design responsibilities.

The applicant for a grading permit required by this chapter must comply with or cause the following requirements to be met:

A. Civil Engineer. The civil engineer who prepared the grading and paving plans must:

1. incorporate the applicable recommendations from the soil engineering and geology reports and anyCity Engineer approved alternative concept grading plan into the grading plan;

2. Establish line and grade for the grading and drainage improvements;

3. act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the City Engineer;

4. prepare plan revisions, and, when work is complete, submit as-graded drawings incorporating all changes and/or additions made during construction.

5. prior to the release of building permits for any given lot or lots, submit a written statement as evidence that rough grading for land development has been completed within standard tolerances in accordance with the approved plans and that all embankments and cut slopes and pad sizes are as shown on the approved plans.

B. Landscape Architect. The landscape architect who designed the landscape and irrigation plans must:

1. incorporate applicable recommendations from the soils engineering reports along with appropriate measures related to soil engineering into the landscape and irrigation plans;

2. prepare plan revisions, including securing approval from the City Engineer prior to installation, and

3. submit as-graded drawings incorporating all changes and/or additions made during construction;

4. if requested by the City Engineer, prepare alternative concept contour grading plans for review and approval by the City Engineer.

5. Design all ground cover to provide 100% coverage within nine months after planting, or provide additional landscaping to meet this standard.

C. Soil Engineer. The soil engineer who prepares the soil engineering report(s) required by this chapter must

1. perform the preliminary soils engineering investigation;

2. prepare the preliminary soils engineering report;

3. determine the suitability of soils during grading;

4. provide preliminary pavement recommendations;

5. provide compaction inspection and testing;

6. prepare the final soils engineering report;

7. sign the grading plan to certify that the grading plan complies with the soils and geotechnical recommendations of the preliminary soils engineering report. (Ord. 234 § 1, 1989)

11.40.310 Setbacks.

A. Setbacks and other restrictions specified by this section are minimums. The City Engineer may increase the minimums. The City Engineer may consider any recommendations regarding these minimums from the civil engineer, soil engineer or engineering geologist, and may consider whether modifications are necessary for safety and stability, to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Where a requirement elsewhere in this code conflicts with the minimums in this section, the more restrictive requirement governs.

B. Minimum setback requirements:

1. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer.

2. The tops and toes of slopes must be set back from the outer boundaries of the permit area, including from slope rights areas and easements, in accordance with the appropriate setback diagram shown in the City's design and development standards.

3. Setbacks between graded slopes (cut or fill) and structures must be provided in accordance with the appropriate setback diagram shown in the City's design and development standards.

4. Lot lines between private lots must be placed at the tops of slopes along the line of vertical curvature between the building site and the slope rounding whenever practicable. Lot lines between private lots and school sites, park sites and other similar public facilities must be placed so that the slopes remain in private ownership, wherever possible and practicable.

5. A usable side yard of at least five feet from any building wall must be provided to the toe and top of a slope, unless waived by the City Engineer.

C. No provision in this section may be construed to allow less than the required setback for berms and drainage, unless an approved drainage device is used to reduce these requirements. (Ord. 234 § 1, 1989)

11.40.320 Cuts.

A. Cut slopes must be no steeper than two horizontal to one vertical (2:1), unless the applicant demonstrates to the satisfaction of the City Engineer and planning Director that the project would be substantially improved with steeper cut slopes, but in no case will cut slopes be steeper than 1.5:1.

B. Requests for approval of cut slopes steeper than 2:1 must be accompanied by a geotechnical report that establishes such slopes will be stable and by a landscape architect report that establishes such slopes can be adequately landscaped.

C. The City Engineer may require slopes flatter than 2:1 in order to achieve the stated design and landscaping purposes of the City.

D. Unless specifically approved by the City Council or planning commission, a cut must not exceed a vertical height of forty feet. In approving cut slopes higher than forty feet, the City Council considers the following:

1. The lack of feasible alternative grading designs which result in slopes of 40 feet or less and the furtherance of general plan goals and objectives by the proposed development; or

2. Overriding benefits to the City from the development proposal.

E. Slopes in the Friars Formation are governed by Section 11.40.130(A). (Ord. 234 § 1, 1989)

11.40.330 Fills.

A. Fill slopes must be no steeper than two horizontal to one vertical (2:1), exclusive of benches and terraces. The City Engineer may require slopes flatter than 2:1 in order to achieve the stated design and landscaping purposes of the City.

B. Unless specifically approved by the City Council or planning commission, fill must not exceed a vertical height of forty feet. In approving fill slopes higher than forty feet, the City Council considers the following:

1. The lack of feasible alternative grading designs which result in slopes of 40 feet or less and the furtherance of general plan goals and objectives by the proposed development; or

2. Overriding benefits to the City from the development proposal.

C. The soils engineer must provide a slope stability analyses with the soil engineering reports for all fill slopes exceeding 40 feet in height, where authorized by the City Council or planning commission, regardless of the slope ratio. The soil engineer must provide a written statement approving the slope stability. In addition, the soil engineer must recommend alternative methods of construction or compaction requirements necessary for stability.

D. Slopes in the Friars Formation are governed by Section 11.40.130(A). (Ord. 234 § 1, 1989)

11.40.340 Terraces.

All slopes exceeding 40 feet in vertical height must establish drainage terraces at least six feet wide at not more than thirty foot vertical intervals on all cut or fill slopes to control surface drainage and debris. Where only one terrace is required, it must be at mid-height. Access must be provided to permit proper cleaning and maintenance. Drainage terraces must be improved with a paved swale or ditch at least one foot deep, with a minimum grade of two percent and wide enough to carry the one-hundred-year storm runoff arriving at the terrace. (Ord. 234 § 1, 1989)

11.40.350 Berms.

Unless waived by the City Engineer, a compacted earthen berm must be constructed at the top, or along the line of vertical curvature, of all slopes steeper than 5:1. The berm must conform to the slope and be a minimum of one-half foot high and two feet wide. The City Engineer may require larger berms if necessary to achieve the stated design purposes of the City. (Ord. 234 § 1, 1989)

11.40.360 Stormwater runoff.

Stormwater runoff from lots or adjacent properties must not be carried over cut or fill slopes steeper than 5:1. Such runoff must be addressed as required by the City's design and

development standards. Surface runoff must not be permitted to flow from one residential lot to another without approval from the Director. (Ord. 234 § 1, 1989)

11.40.370 Subsurface drainage.

A. Cut and fill slopes must have subsurface drainage as necessary for stability and as recommended by the soil engineer and/or the engineering geologist.

B. All canyon fills and buttress fills must have subdrains, unless waived by the City Engineer, based upon the information provided by the engineering geologist and/or the soil engineer indicating that they are not necessary and recommending against them. (Ord. 234 § 1, 1989)

11.40.380 Contour grading—Public interest slopes.

A. All public interest slopes must be rounded into existing terrain to produce a contoured and smooth transition from cut or fill faces to natural ground and abutting cut or fill surfaces. All public interest slopes must be contour graded and landscaped pursuant to a landscape plan prepared by a landscape architect and approved by the City Engineer. The contours of the finished slope must either approximate the natural contours to the satisfaction of the City Engineer or the slope gradient must vary from 2:1 to 2.5:1, moving through one complete cycle (i.e. from 2:1 to 2.5:1 and back to 2:1) adjacent to each lot line, or every 100 feet of slope, whichever is greater. The brows or tops of slopes may be straight to match the lot lines and facilitate placement of lot fences.

B. Criteria for Slope Rounding. Slope tops (brows) must be rounded between the building site and the slope surface to form a vertical parabolic curve with a length of vertical curve.

C. The following table must be used as a guideline for slope rounding.

Vertical Height of Slope	Length of Vertical Curve
5′ to 10′	10′
10′ to 15′	14′
More than 15′	18′

D. Slope rounding is not required along property lines where fences, walls or other separations are placed.

E. Intersections of graded surfaces must be rounded in the horizontal plane with a circular or elliptical curve using the following table for guidelines.

Deflection Angle Between Intersecting Surfaces or Between Tangents of Intersection Surfaces	Tangent Distance	External Distance
Less than 30°	14′	2′
30° to 60°	21′	5′
More than 60°	29′	8′

F. The landscape architect may propose and the City Engineer may approve alternative concept contour grading schemes which are, in the opinion of the City Engineer, equal to or better than the above criteria. (Ord. 234 § 1, 1989)

11.40.390 Grading—Standards for substantial conformance.

A. Grading will be considered in substantial conformance if the pad elevations and slope heights shown on the approved grading plan are within plus or minus one foot of the elevations shown on the tentative map or approved conceptual grading plans.

B. The City Engineer and the planning Director have discretion to permit up to a four foot variation if they determine that the change will not adversely affect views, drainage and usable yard areas, and the change is needed to create a better design. (Ord. 234 § 1, 1989)

ARTICLE 4 PERFORMANCE SECURITY

11.40.400 Required security.

A. The City Engineer is not authorized to issue a grading permit unless the applicant for the grading permit posts security with the City comprised of a cash deposit, surety bond, or a combination of cash deposit and corporate surety bond. An instrument of credit or other security satisfactory to the City Attorney, which pledges the performance of the work, may be submitted in lieu of the surety bond. Surety bonds and other instruments of credit must be issued by an entity authorized to do business in the state of California. An irrevocable standby letter of credit issued by a financial institution subject to regulation by the state or federal government may be posted in lieu of the surety bond, instrument of credit or other security.

B. The security required by this section must insure installation of required structures, drains, landscaping, irrigation and other improvements shown on the grading plans. Such funds are trust funds for the purposes of satisfying the cost of correcting any deficiency, hazard or injury created by the work or lack of maintenance thereof.

C. The security required by this section must be in the form approved by the City Attorney. The total amount of the security must be equal to 30% of the estimated cost of the grading work authorized by the permit plus an additional sum equal to 100% of the estimated cost for the construction of drainage structures or facilities, including standard terrace drains, slope planting, irrigation system, erosion control devices, retaining walls and similar facilities authorized by the grading permit.

D. The City Engineer will estimate the cost of the work after reviewing the civil engineer's estimates. If the City Engineer determines that the size, complexity and scope of the work does not justify the full amount of the security, the City Engineer may waive all or part of the amount to the extent that there is no hazard or danger. If the scope of work increases, or new conditions are discovered after grading commences, the City Engineer may increase the amount of security required. (Ord. 234 § 1, 1989)

11.40.410 Cash deposit requirements.

A cash deposit provided as security required by this chapter must meet the following requirements:

A. be equal to 20% of the calculated security, as approved by the City Engineer. Interest will not be paid on cash deposits;

B. not be less than one thousand dollars or more than twenty thousand dollars. In instances where 20% of the appraised calculated security exceeds twenty thousand dollars, that remaining portion of the security in excess of twenty thousand dollars must be combined with the remaining 80% of the approved security in the form of a corporate surety bond, or other security authorized by Section 11.40.400;

C. be used to satisfy all of the following:

1. the cost of correcting any deficiency, hazard or injury created by the work in violation of the terms and conditions of the grading permit and in violation of the provisions of this chapter or any other applicable law or ordinance;

2. for maintenance, cleanup or repair of any public or private street or easement, or for the maintenance, upkeep or installation of debris basins, erosion control devices, etc.

3. use of the cash deposit or a portion thereof does not limit or release the obligation of the permittee or surety to satisfy the cost of correcting any deficiency, hazard or injury created by the work or to maintain the same in safe condition. If the amount of the cash deposit is insufficient to satisfy the cost in full, the surety is liable to satisfy the remainder of the cost in excess of the cash deposit to the extent that the remainder does not exceed the full penalty amount of the bond. In addition, if suit is brought upon the surety by the City and judgment is recovered, the surety must pay all costs incurred by the City in such suit, including a reasonable attorney's fee to be fixed by the court. (Ord. 234 § 1, 1989)

11.40.420 Erosion control security requirements.

When plans for an erosion control system are required as part of the grading permit pursuant to Section 11.40.140, the applicant must furnish security in connection with an agreement to perform erosion control work.

The amount of security must be 100% of the cost estimate for the work shown on the erosion control plan, subject to the approval of the City Engineer. Section 11.40.400 governs the types of securities acceptable by the City.

In addition to the required security for erosion control work, the applicant must provide a cash deposit for emergency erosion control work and emergency cleanup in the amount established by resolution of City Council, but in no case less than five thousand dollars. (Ord. 234 § 1, 1989)

11.40.430 Required terms and conditions of securities.

A. Every surety bond and instrument of credit must include and every cash deposit and letter of credit must be made on the conditions that the permittee:

1. Complies with all provisions of this chapter, applicable laws and other ordinances;

2. Complies with all the terms and conditions of the grading permit to the satisfaction of the City Engineer;

3. Completes all of the work contemplated under the grading permit within the time limit specified in the grading permit, or if no time limit is so specified, the time limit specified in this chapter, or by any extension of time authorized by the City Engineer. Any extension authorized by the City Engineer must not release the owner or the surety on the bond or person issuing the instrument of credit;

4. Each security must remain in effect until the completion of the work to the satisfaction of the City Engineer. (Ord. 234 § 1, 1989)

11.40.440 Use of securities for work done by city.

A. If a permittee fails to complete the work authorized in a grading permit or fails to comply with all conditions and terms of the grading permit, the City Engineer may complete or cause the completion of any work necessary to correct deficiencies or eliminate dangerous conditions and leave the site in safe, stable and nuisance-free condition or may order the work authorized by the permit to be completed to a safe, stable and nuisance-free condition. In such cases, the permittee, the surety executing a bond, and the person issuing the instrument of credit, letter of credit or making a cash deposit required by this chapter continue to be firmly bound under a continuing obligation to pay all necessary costs and expenses that may be incurred or expended by the City in causing any and all such work to be done. (Ord. 234 § 1, 1989)

11.40.450 Release of securities.

A. Cash deposits, bonds, or other security will be released on request in writing by the permittee when work is complete and approved by the City Engineer.

B. No security otherwise required by this chapter is required from the state, or any of its political subdivisions or any governmental agency. However, a contractor working for the state or any of its political subdivisions or any governmental agency must present a security for performance unless proof is submitted, satisfactory to the City Attorney, that the work is covered by a separate and similar security inuring to the benefit of the state or agency. (Ord. 234 § 1, 1989)

ARTICLE 5 GRADING AND PAVING OPERATIONS

11.40.500 Work authorized by permit.

A grading permit authorizes only the work described or illustrated on the application for the permit, or in the plans and specifications approved by the City Engineer. The authorized work must be done in accordance with all conditions imposed by the City Engineer and with the requirements of this chapter. Conditions imposed by the City Engineer must be shown on the grading plans under the heading "General Notes." (Ord. 234 § 1, 1989)

11.40.505 Responsibility of permittee.

A. The permittee must:

1. know the conditions and restrictions placed on the grading permit, the requirements of this chapter, and the requirements in any approved report(s);

2. insure that all contractors, subcontractors, employees, agents and consultants are knowledgeable of the same, and insure that they carry out the authorized work in accordance with the approved plans and specifications and with the requirements of the permit and this chapter;

3. maintain in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the City Engineer. (Ord. 234 § 1, 1989)

11.40.510 Contractor qualifications.

Every person doing land development must meet such qualifications the City Engineer determines are necessary to protect the public interest. The City Engineer may require an application for qualification which must contain all information necessary to determine the person's qualifications to do the land development. At a minimum, all land development work must be performed by a contractor licensed by the state to perform the types of work required by the permit. (Ord. 234 § 1, 1989)

11.40.515 Time of grading and paving operations.

A. The permittee must comply with the City's design and development standard regarding the conduct of grading operations. At a minimum, these standards include, but are not limited to the following:

1. All grading and paving operations, including the warming up, repair, arrival, departure or running of trucks, earthmoving equipment, construction equipment and any other associated grading equipment must occur only between seven a.m. and six p.m. Monday through Friday. Earthmoving or grading operations must not be conducted on Saturdays, Sundays or holidays recognized by the City without the written permission of the City Engineer.

2. Grading and paving are not permitted between October 1st and the following April 1st on any site when the City Engineer determines that erosion, mudflow or sediment discharge from grading may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements unless an erosion control system approved by the City Engineer has been implemented on the site to the satisfaction of the City Engineer. (Ord. 234 § 1, 1989)

11.40.520 Transfer of responsibilities.

A. If the civil engineer, soil engineer, engineering geologist, landscape architect, testing agency, or grading contractor of record change during the course of work authorized by a grading permit, the work must stop until:

1. The owner submits a letter of notification verifying the change of the responsible professional; and

2. The new responsible professional certifies in writing that the professional has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that the new responsible professional concurs with the findings, conclusions and recommendations and is satisfied with the work performed. The responsible professional's certification include a statement assuming all responsibility for work in that professional's purview as of a specified date.

B. Except for subdivision C, any exceptions to subdivisions 1 and 2 of Subsection A of this section must be approved by the City Engineer.

C. Where clearly indicated that the firm, not the individual professional, is the contracting party, the designated engineer, architect or geologist may be reassigned and another individual of comparable professional accreditation within the firm may assume responsibility, without complying with the requirements of subdivisions 1 and 2 of Subsection A of this section. (Ord. 234 § 1, 1989)

11.40.525 Construction of fills.

A. Preparation of Ground. The ground surface of an area to be filled must be prepared to receive fill in accordance with the following:

1. Removing vegetation, noncomplying fill, topsoil and other unsuitable materials;

2. Scarifying to a depth of one foot to provide a bond with the new fill;

3. Where existing slopes exceed five feet in height and/or are steeper than 5:1, benching into sound bedrock or other competent material as determined by the soil engineer and approved by the City Engineer. The lowermost bench beneath the toe of a fill slope on natural ground must be a minimum ten feet wide and at least three feet into dense formational materials. The ground surface below the toe

of the fill must be prepared for sheet flow runoff, or a paved drain must be provided.

4. Where fill is to be placed over an existing cut slope, the bench under the toe of the new fill must be at least 15 feet wide and must be approved by the soil engineer and/or engineering geologist as a suitable foundation for fill.

B. Expansive Soils. Whenever expansive soils are encountered within three feet of the finish grade of any area intended or designed as a location for a building, the permittee must ensure compliance with the following:

1. Remove expansive soil to a minimum depth of three feet below finish grade and replace the expansive soil with properly compacted, non-expansive soil;

2. If sufficient non-expansive material to replace expansive soil is not readily available on-site, the City Engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project, subject to the written recommendation from the soil engineer for the design of footings, foundations, slabs, and other load bearing features, or for other special procedures which will alleviate any problem created by the remaining expansive soils.

C. Fill Material. Fill material must comply with the following:

1. Organic material must not be included in fills;

2. Except as outlined in this Subsection, rock and similar irreducible materials with a maximum dimension greater than eight inches must not be buried or placed in fills.

3. The City Engineer may permit placement of rock with a dimension greater than eight inches when the soil engineer properly devises a method of placement, continuously inspects placement, and approves the soil stability and competency, and the following conditions are also met:

(a) Prior to issuance of the grading permit, potential rock disposal area(s) are delineated on the grading plan;

(b) Rock sizes greater than eight inches in maximum dimension are at least six feet or more below grade, measured vertically, and ten feet measured horizontally from slope faces, and must be two feet or more below the bottom of any utility pipeline.

(i) When the design of the development or covenants and restrictions provide assurance that no structure or utilities will be placed on a precisely definable area, these dimensions may be reduced with the approval of the City Engineer;

(c) Rocks greater than eight inches must be completely surrounded by soils. Nesting of rocks is prohibited.

4. All fill slopes must be overfilled to a distance from finished slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finish grade to expose the compacted core. Alternate methods may be recommended by the soil engineer and approved by the City Engineer. In such instances, the grading contractor must provide detailed specifications for the method of placement and compaction of the soil within a distance of an equipment width from the slope face.

D. Buttress/Stabilization Fills. The must set forth any recommendations for buttress fills or stabilization fills in a report by the soils engineer or certified engineering geologist. The report must set forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static and pseudostatic conditions (pseudostatic loads need not normally be analyzed when bedding planes are flatter than twelve degrees from the horizontal), laboratory test data on which the calculations are based, the buttress/stabilization fill, a scaled section of the buttress/stabilization fill, and recommendations with details of subdrain requirements.

E. Utility Line Backfill. Backfills for on-site utility line trenches, such as water, sewer, gas, and electrical services must be compacted and tested in accordance with Section 11.40.725. Alternate materials and methods may be used for utility line backfills if the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling. The final utility line backfill report must include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use. (Ord. 234 § 1, 1989)

11.40.530 Safety precautions.

A. If, at any stage of work, the City Engineer determines that authorized grading is likely to endanger any public or private property, result in the deposition of debris on any public way, or interfere with any existing drainage course, the City Engineer may specify and require reasonable safety precautions to avoid the danger. Failure to comply with the City Engineer's direction is a violation of this section.

B. When directed by the City Engineer pursuant to this section, the permittee must remove any soil and debris deposited on adjacent and downstream public or private property, repair any damage resulting from that permittee's grading operations, and control erosion and siltation through the use of temporary or permanent siltation basins, energy dissipators, or other measures as field conditions warrant, whether or not such measures are a part of approved plans. Costs associated with any work outlined in this section are the permittee's responsibility. (Ord. 234 § 1, 1989)

11.40.535 Public protection from hazards.

During grading operations, the permittee, contractor, and owner must take all necessary measures to eliminate any hazard resulting from the work to the public in its normal use of

public property or right-of-way. Any fences or barricades installed must separate the public from the hazard as long as the hazard exists, must be approved by the City Engineer, and must be properly constructed and maintained. (Ord. 234 § 1, 1989)

11.40.540 Public facilities within public rights-of-way.

A. Except as otherwise provided in a secured agreement for land development pursuant to Section 16.28.030, the following provisions apply when a city facility within a public right of way has been damaged or has failed as a result of the construction or existence of the owner's land development work during the progress of such work:

1. The owner of property subject to this chapter must pay the City for all costs of placing, repairing, replacing or maintaining the City-owned facility;

2. The costs of placing, replacing or maintaining the City-owned facility includes the cost of obtaining an alternate easement if necessary;

3. The City Engineer must notify the property owner of such damage or failure in accordance with Section 1.08.030, after which, the City may withhold certification of the completion of a building or other permitted work until the damaged or failed facility is restored. (Ord. 234 § 1, 1989)

11.40.545 Protection of adjacent property.

A. Each property owner is entitled to the lateral and adjacent support of that property from the adjoining land.

B. It is unlawful to excavate on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or other public or private property without supporting and protecting such property from settling, cracking and other damage which might result.

C. Notwithstanding the minimum standards set forth in this chapter, each property owner must prevent damage to adjacent property when making excavations by undertaking the following:

1. Before making an excavation greater than ten feet wide within ten feet of a property line, the property owner or lessee must give reasonable notice to the owner or owners of land abutting the property lines affected by the excavation. The notice must state the depth of the proposed excavation and when the excavation will begin;

2. In making any excavation, use reasonable care, skill and precautions to ensure that the soil of adjoining property will not cave in or settle to the detriment of any building or other structure which may be thereon;

3. Ensure that land development work does not physically prevent the use of existing legal or physical and usable access to any parcel (in the opinion of the City Engineer). (Ord. 234 § 1, 1989)

11.40.550 Maintenance of protective devices.

The owner of any property on which a fill or excavation has been made pursuant to a grading permit granted under the provisions of this chapter, or any other person or agent in control of such property must maintain the following in good condition and repair: all retaining walls, cribbing, drainage structures, protective devices, and plantings shown in the approved plans and specifications or in the as-graded drawings or as required by the grading permit. Facilities dedicated for use by the public and accepted for such use by a public agency are excepted from this requirement. (Ord. 234 § 1, 1989)

11.40.555 Protection of utilities.

A. During grading operations the permittee must prevent damage to any public utilities or services within the limits of grading and along any routes of travel of equipment.

B. Before starting any excavation work, the permittee must contact Underground Service Alert, Incorporated and coordinate the proposed excavation with all interested utility companies, districts and agencies. (Ord. 234 § 1, 1989)

11.40.560 Debris on public streets.

The permittee must ensure that all grading operations comply with the Vehicle Code and that no soil or debris is deposited on the public streets by any means, including but not limited to, spills from truck beds or tracking by haul vehicles. The permittee must remove any materials spilled, dumped, or deposited on a public street as a result of permittee's grading operations.

In addition to any other remedies available for noncompliance with this requirement, the City Engineer may require a cash deposit or security to insure the cleanup of public streets.

11.40.565 Dust control.

The permittee must control dust created by grading operations or activities at all times. (Ord. 234 § 1, 1989)

11.40.570 Preservation of existing monuments.

The permittee must show all existing survey monuments on the grading plan and submit evidence indicating that arrangements have been made to preserve or relocate existing monuments to the City Engineer prior to issuance of a grading permit. (Ord. 234 § 1, 1989)

11.40.575 Archaeological or paleontological resources.

If any archaeological or paleontological resources are discovered during grading operations, the permittee must immediately cease all grading operations and notify the City Engineer of the discovery. Grading operations must not recommence until the permittee has received written authority from the City Engineer to do so. (Ord. 234 § 1, 1989)

ARTICLE 6 SURFACE MINING AND RECLAMATION

11.40.600 Purpose and intent.

A. This article is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, of the Public Resources Code and amendments thereto.

B. The City recognizes that the extraction of minerals is essential to the continued economic well-being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

C. The City also recognizes that surface mining takes place in diverse areas where the geologic, topographic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

D. The purpose and intent of this article is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "state regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:

1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses;

2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment;

3. Residual hazards to the public health and safety are eliminated. (Ord. 390, 1999)

11.40.605 Incorporation by reference.

The provisions of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and state regulations CCR Section 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this article by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this article are more restrictive than correlative state provisions, this article prevails. (Ord. 390, 1999)

11.40.610 Scope.

A. Except as otherwise provided, the provisions of this article apply to all lands within the City, public and private.

B. Except as provided in this article, no person is authorized to conduct surface mining operations unless the City approves a zoning permit, reclamation plan, and financial assurances for reclamation.

C. This article does not apply to the following activities, subject to the above-referenced exceptions:

1. Minor excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;

2. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

   (a) All required permits for the construction, landscaping, or related land improvements have been approved by the City in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA," Public Resources Code, Division 13, Section 21000 et seq.);

   (b) The City's approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA;

   (c) The approved construction project is consistent with the general plan, applicable specific plan or zoning of the site;

   (d) Surplus materials must not be exported from the site unless and until actual construction work has commenced and must cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:

   (a) The plant site is located on lands within a zoning category intended for the specific use and all other required City permits and approvals have been obtained;

   (b) None of the minerals being processed are being extracted on-site;

(c) All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.

4. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location and the total surface area disturbed is less than one acre.

5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.

6. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

7. The immediate excavation or grading of lands affected by a natural disaster for the purpose of restoring those lands to their prior condition.

8. The immediate removal of material deposited by a flood onto lands being farmed for the purpose of restoring those lands to their prior condition.

D. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of zoning permit approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. (Ord. 390, 1999)

11.40.615 Vested rights.

No person or corporation who obtained a vested right to conduct surface mining operations prior to January 1, 1976, is required to secure a zoning permit so long as the vested right continues in accordance with Section 13.04.110 and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this Article. However, where a person or corporation with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they must obtain City approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre-and post-Act mining, the reclamation plan must include reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976). (Ord. 390, 1999)

11.40.620 Applications and reviews.

A. Any person, except as provided in Section 2776 of the California Surface Mining and Reclamation Act of 1975, who proposes to engage in surface mining operations as defined in this chapter must, prior to the commencement of such operations, obtain:

1. A zoning permit;

2. A permit to mine; and

3. Approval of a reclamation plan, in accordance with the provisions set forth in this article and as further provided in the California Surface Mining and Reclamation Act of 1975. A fee, as established for the permitted uses in the consolidated fee schedule, must be paid to the City at the time of filing.

B. Applications for a zoning permit or reclamation plan for surface mining or land reclamation projects must be made on forms provided by the department of development services. Said application must be filed in accordance with this article and procedures as established by the Director. The reclamation plan applications require, at a minimum, each of the elements required by SMARA (Sections 2772-2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, as established at the discretion of the Director. All applications for a zoning permit for surface mining must be made, considered and granted or denied pursuant to Section 13.06.030. Such applications must be accompanied by data or information required by the Director. All plans and specifications for the grading of the property must be prepared by a registered civil engineer, sealed and signed in accordance with the Business and Professions Code.

C. Applications must include all required environmental review forms and information prescribed by the Director.

D. Within 30 days after acceptance of an application for a zoning permit for surface mining operations and/or a reclamation plan as complete, the department of development services must notify the State Department of Conservation of the filing of the application. Whenever mining operations are proposed in the one-hundred-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the department of development services must also notify the State Department of Transportation that the application has been received.

E. The department of development services will process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines.

F. Upon completion of the environmental review procedure and filing of all documents required by the Director, consideration of the zoning permit approval and reclamation plan for the proposed surface mine will be scheduled for public hearing before the City Council, and pursuant to the requirements of SMARA.

G. Prior to final approval of a reclamation plan, financial assurances (as provided in this article), or any amendments to the reclamation plan or existing financial assurances, the department of development services must submit the plan, financial assurance, or amendments to the State Department of Conservation for review. City council may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a zoning permit is being processed concurrently with the reclamation plan, City

Council may also conceptually approve the zoning permit. However, City Council may defer action on the zoning permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the City Council may conditionally approve the zoning permit with the condition that the City Council will not issue the zoning permit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances. The State Department of Conservation has 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The department of development services must prepare a written response to the state's comments containing the following, and submit a proposed response to the State Department of Conservation at least 30 days before approval of the reclamation plan, plan amendment, or financial assurance:

1. describing the disposition of the major issues raised by the state's comments;

2. describing whether the City proposes to adopt the state's comments to the reclamation plan, plan amendment, or financial assurance,

3. specifying, in detail, why the City proposes not to adopt the comments, if the City proposes not to adopt the state's comments;

4. proving notice of the time, place, and date of the hearing or meeting at which the reclamation plan, plan amendment, or financial assurance is scheduled to be approved by the City.

The Director must send copies of any comments received and response prepared to the applicant.

H. The City Council will then take action to approve, conditionally approve, or deny the zoning permit and/or reclamation plan, and to approve the financial assurances pursuant to PRC Section 2770(d). The Director must send the State Department of Conservation the final response to the state's comments within 30 days after approval of the reclamation plan, plan amendment, or financial assurance.

I. By July 1st of each year, the department of development services must submit to the State Department of Conservation for each active or idle surface mining operation:

1. A copy of any permit or reclamation plan amendments, as applicable;

2. A statement that there have been no changes during the previous year, as applicable;

3. The date of each surface mining operation's last inspection;

4. The date of each surface mining operation's last financial assurance review pursuant to PRC 2773.1 for each operation.

J. Where any requirement of the reclamation plan conflicts with any requirement of the approved zoning permit, the Director and the City Engineer will determine which requirement applies. (Ord. 390, 1999)

11.40.625 Standards for reclamation.

A. All reclamation plans must comply with the provisions of SMARA (Section 2772 and Section 2773) and state regulations (CCR Section 3500-3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, must also comply with the requirements for reclamation performance standards (CCR Section 3700-3713).

B. The City may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of City performance standards.

C. Reclamation activities must be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation must be specifically described in the reclamation plan and include:

1. The beginning and expected ending dates for each phase;

2. All reclamation activities required;

3. Criteria for measuring completion of specific reclamation activities; and

4. Estimated costs for completion of each phase of reclamation. (Ord. 390, 1999)

11.40.630 Financial assurances.

A. To ensure reclamation will proceed in accordance with the approved reclamation plan, the City requires as a condition of approval security for the faithful performance of the reclamation. The applicant may pose security in the form of a surety bond, cash deposit, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City Attorney and the State Mining and Geology Board as specified in state regulations, and which the City reasonably determines is adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances must be made payable to the City of Santee, the State Department of Conservation, and such other regulatory agencies the City deems necessary.

B. Financial assurances are required to ensure compliance with the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability, erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance must be submitted to the department of development services for review and approval prior to the operator securing financial assurances. The department of development services will forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it will be assumed that the cost estimates are adequate. The City has the discretion to approve the financial assurance if it meets the requirements of this article, SMARA, and state regulations.

D. The amount of the financial assurance must be based upon 100% of the estimated cost of reclamation plus a ten percent contingency for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, all new lands to be disturbed by surface mining activities in the upcoming year and areas not successfully reclaimed pursuant to the approved reclamation plan. The estimate must also include any maintenance of reclaimed areas as may be required. Cost estimates must be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director. The estimated amount of the financial assurance must be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with establishing revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan must be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.

E. In addition to the amount specified in Subsection D of this section, the security instrument must provide that in the event suit is brought by the City and judgment recovered, the surety or financial institution must pay, in addition to the sum specified, all costs incurred by the City in such suit including a reasonable attorney’s fee to be fixed by the court.

F. In projecting the costs of financial assurances, it must be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

G. The financial assurances must remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any required maintenance and establishment period. Upon completion of the surface mining and reclamation of mined lands in accordance with the approved reclamation plan, including maintenance and establishment periods, all financial assurances will be released, otherwise they must remain in full force and effect.

H. The city will annually review amount of financial assurances required of a surface mining operation for any one year to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances must include estimates to cover reclamation for

existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

I. When requested, revised estimates for the financial assurances must be submitted to the Director at the time of filing of the mine operator' s annual mining operation report. The estimate must cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. (Ord. 390, 1999)

11.40.635 Findings for approval.

A. Zoning Permit Approvals. In addition to any other findings required by the City code, zoning permit approvals for surface mining operations must include a finding that the project complies with the provisions of SMARA and state regulations.

B. Reclamation Plans. For reclamation plans, the following findings are required:

1. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions;

2. That the reclamation plan complies with applicable requirements of State regulations (CCR Sections 3500-3505, and Sections 3700-3713).

3. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with the City's general plan and any applicable specific plans, resource plan or element.

4. That the reclamation plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

5. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and applicable specific plan or resource plan. (Ord. 390, 1999)

11.40.640 Modifications.

A. An approved reclamation plan or any conditions thereof may be revised or modified in the same manner provided for a new zoning permit including the requirement for environmental impact review. All proposed modifications of an approved reclamation plan must be consistent with Section 13.06.030.

B. Minor amendments to the reclamation plan may be approved by the Director pursuant to Section 13.04.060 where the Director determines that such approval will not result in a substantial change in the finished appearance of the mining site land form, will not increase the impacts on adjacent property, and is otherwise consistent with the intent of this chapter and the State Surface Mining and Reclamation Act.

C. Notwithstanding the provisions of Section 13.06.030 relative to any modification or revocation of a zoning permit, the City Engineer may modify or add conditions relative to the conduct of grading for the same reasons as specified for grading permits in Article V of this chapter. (Ord. 390, 1999)

11.40.645 Agreements with city required—Borrow pits and quarries.

A. No surface mining may be conducted pursuant to a zoning permit or pursuant to vested nonconforming rights unless, before beginning grading, an agreement has been entered into allowing city employees to enter the property to correct any landscaping or irrigation system deficiencies, any unsafe conditions, or breach of provisions of the zoning permit and/or reclamation plan. The agreement must specifically authorize the City employees or any person authorized by the agreement to enter the property at any reasonable times for inspection or for the purpose of correcting any unsafe conditions resulting from the breach of any provision of the zoning permit or reclamation plan. The agreement must be executed by the permittee, the owner of the property and by holders, except government entities, of any lien upon the property which could ripen into a fee. The permittee must provide acceptable evidence of title showing all existing legal and equitable interests in the property. The City Engineer is authorized to execute and accept the agreement on behalf of the City. The agreement must be recorded before grading begins pursuant to a zoning permit or reclamation plan.

B. The agreement required by this section must be secured pursuant to Section 11.40.630 to assure compliance with the agreement. (Ord. 390, 1999)

11.40.650 Public records.

To the fullest extent authorized by law, reclamation plans, reports, applications and other documents submitted pursuant to this article are public records. An applicant for a permit required by this article may identify information it considers proprietary information. The city will notify the applicant of a request for any information which the applicant marks as proprietary and provide the applicant an opportunity to agree to defend and indemnify the City against any liability or claims, to the satisfaction of the City Attorney, that may arise as a result of withholding such information. The release of public records will be governed by the Public Records Act. Proprietary information will be made available to persons when authorized by the mine operator and by the mine owner in accordance with Section 2778 of the California Surface Mining and Reclamation Act of 1975. (Ord. 390, 1999)

11.40.655 Interim management plans.

A. Within 90 days after a surface mining operation becomes idle, the operator must submit to the department of development services a proposed interim management plan (IMP). The proposed IMP must fully comply with the requirements of SMARA, including but not limited to all zoning permit conditions, and must provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP must be submitted on forms prescribed by the department of development services, and will be processed as an amendment to the reclamation plan. IMPs are not considered a project for the purposes of environmental review.

B. Financial assurances for idle operations must be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP. All financial assurances must conform to Section 11.40.630.

C. Upon receipt of a complete proposed IMP, the City will forward the IMP to the State Department of Conservation for review at least 30 days prior to approval by the City.

D. Within 60 days after receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the City will review and approve or deny the IMP in accordance with this chapter. The operator has 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The City will approve or deny the revised IMP within 60 days of receipt.

E. The IMP may remain in effect for a period not to exceed five years, at which time the City may renew the IMP for another period not to exceed five years and for another five-year period at the expiration of the first 5-year renewal period if the City finds that the surface mining operation has complied fully with the IMP, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan. (Ord. 390, 1999)

11.40.660 Inspections.

A. As a condition of each zoning permit or reclamation plan, the departments of development services will conduct an inspection of the surface mining operation and reclamation activities within six months after receipt of the mine operator's annual report. Inspection will be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve months, or other qualified specialists, as may be determined by the Director. All inspections must be conducted using a form approved and provided by the State Mining and Geology Board. The department of development services will notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted, and forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator is solely responsible for the reasonable cost of such inspection.

11.40.665 Successors in interest.

A. The applicant submitting the reclamation plan and financial assurances must execute an agreement in a form acceptable to the City Attorney accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan and conditions of their zoning permit. The applicant must cause the agreement or a notice or memorandum of the agreement to be recorded in the office of the county recorder and submit a copy of the recorded document to the office of the City clerk.

B. Whenever any surface mining operation or portion of an operation subject to this chapter is sold, assigned, conveyed, exchanged or otherwise transferred, the applicant will not be relieved of their obligations under the agreement until such time as their successor in interest executes a replacement agreement and posts substitute securities agreeing to be bound by the provisions of the reclamation plan and conditions of their zoning permit. (Ord. 390, 1999)

11.40.670 Liability and responsibilities of permittee.

Neither the issuance of a zoning permit or reclamation plan under the provisions of this article, nor the compliance with any provisions or conditions thereof, relieve any person from any liability or responsibility resulting from grading operations as specified elsewhere in this chapter. (Ord. 390, 1999)

11.40.675 Enforcement of provisions.

The Director is authorized to enforce this article. (Ord. 390, 1999)

11.40.680 Violations.

If the Director determines that an operator is not complying the terms and conditions of this chapter, the zoning permit or reclamation plan, the Director is authorized to initiate administrative remedies authorized by this code, and by SMARA, including but not limited to PRC 2774.1. The Director may notify the operator of any deficiency. The operator must remedy all deficiencies in the notice within a reasonable time, not to exceed 30 days. If more than 30 days is needed to remedy the noticed violation, the operator may enter into a stipulated order to comply, pursuant to PRC 2774.1, with notice sent to the State Department of Conservation. If, at the end of this period of time the zoning permit or reclamation plan is still not being followed and completed as approved, the Director may pursue any enforcement actions available, including but not limited to those actions specified in PRC 2774.1 and in this code. Failure to comply with the terms or conditions of a reclamation plan is a violation of the zoning permit and a public nuisance. (Ord. 390, 1999)

11.40.685 Appeals.

Any person aggrieved by an act or determination of the City administrators in the exercise of the authority granted in this article has the right to appeal that decision pursuant to Chapter 1.14.

ARTICLE 7 SUPERVISION, TESTING, INSPECTION AND ENFORCEMENT

11.40.700 City Engineer—Authority.

A. The City Engineer is authorized to this article, except as otherwise provided.

B. The City Engineer may establish and implement special inspection requirements and augment resources or expertise as necessary to properly inspect a particular grading project. The permittee who benefits from these special requirements or augmentations must pay the cost of those requirements or augmentations.

C. Before approving any land development work requiring grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

D. After receiving a grading permit, but before any land development work involving grading, brushing or clearing, the permittee must attend a pregrading meeting. Prior to pouring curbs and gutters or placement of base materials, a permittee must attend a prepaving meeting held on the site. The permittee must notify the City Engineer at least two working days prior to the meetings and must notify all principals responsible for grading and paving related operations.

E. The City Engineer is authorized to inspect land development projects at intervals necessary to determine that adequate inspection and testing is being exercised.

F. The City Engineer is authorized to inspect all work done in connection with land development to insure compliance with the provisions of this chapter.

G. The City Engineer is authorized to stop land development being done without a permit until a permit has been obtained, to impose conditions on a permit issued for such work, to require the correction or removal of such work, and to take any other enforcement action authorized by this code or law.

11.40.705 Liability of city.

Neither the issuance of a permit pursuant to this chapter nor the compliance with this chapter or any conditions imposed pursuant to this chapter relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor impose any liability on the City for damage to persons or property.

11.40.710 Supervised or regular grading—Observation required.

A. All grading, except grading for a borrow pit, in excess of 5,000 cubic yards must be performed under the general observation of and coordination of the civil engineer who prepared or signed the grading plans and is designated “supervised grading.”

B. Grading not supervised in accordance with this section is designated “regular grading.”

C. For grading of 5,000 cubic yards or less, the permittee may elect to have the grading performed as either supervised grading or regular grading. (Ord. 234 § 1, 1989)

11.40.715 Regular grading and paving requirements.

A. The City Engineer is authorized to cause or require regular grading and paving work to be inspected to the extent deemed necessary and is authorized to require inspection of excavations, fills, and compaction control by a soil engineer.

B. The City Engineer is authorized to require inspections by the soil engineer to sufficient to assure the City Engineer that the soil engineer has adequately considered all geologic conditions.

C. The soil engineer must file a report with the City Engineer assuring the compaction and acceptability of all fills. Where potentially expansive soils are present at either cut or fill grade, the soil engineer must provide written recommendations regarding treatment given or to be given to such soils. (Ord. 234 § 1, 1989)

11.40.720 Supervised grading requirements.

A. For supervised grading, the permittee must ensure that the civil engineer supervising the grading also supervises and coordinates all field surveys, setting of grade stakes in conformance with the plans, and site inspection during grading operations to assure that the site is graded in accordance with the permit.

B. The City Engineer is authorized to require a permittee to provide soils reports and geology reports as part of an application for or conditions of a grading permit. In addition to the copies filed with the City Engineer, the permittee must send copies of such reports to the civil engineer supervising the grading.

C. The permittee must ensure that the soil engineer conducts tests and inspections necessary to assure that the recommendations in the preliminary soils engineering report and paving report incorporated in the grading plan, specifications, or the permit are followed and complies with the requirements of Section 11.40.725. (Ord. 234 § 1, 1989)

11.40.725 Soil engineer—Observation and testing responsibilities.

A. General. The soil engineer must ensure the following:

1. the ground is properly prepared to receive fills,

2. proper compaction,

3. finish slopes are properly stabilized,

4. buttress fills, where required, are properly designed,

5. data supplied by the engineering geologist is incorporated into the soils reports;

6. during grading, submit to the permittee and City Engineer copies of all analyses, compaction data, soil engineering and engineering geology recommendations and reports;

7. the standards established in this section are met.

B. When preliminary soils engineering reports are not required, the City Engineer may require inspection and approval by the soil engineer. The soil engineer's responsibility in these cases includes, but is not limited to, approval of cleared areas and benches to receive fill, the compaction and testing of fills and their inspection and approval. The soil engineer must submit a statement that all embankments have been compacted to a minimum of 90% relative compaction or an alternative compaction percentage approved by the City Engineer. Prior to the release of building permits for any given lot or lots, the soil engineer must submit a compaction report to the satisfaction of the City Engineer as evidence that rough grading has been compacted in accordance with the approved preliminary soils engineering report.

C. Density Testing. The soils engineer must ensure field density testing is completed in accordance with the following:

1. All fills must be compacted to a minimum of 90% relative compaction unless the City Engineer approved a lesser density.

2. Field density tests must be performed in accordance with ASTM D1556, or as revised (sand cone test), or equivalent, approved by the City Engineer.

3. Notwithstanding any alternative field density test approved by the City Engineer, at least 25% of the total tests must be by ASTM D1556 to verify the accuracy of the equivalent method.

4. The location of field density tests must comply with the following:

   (a) Field density tests must be distributed within the fill or fill slope surface so that representative results are obtained;

   (b) At least 20% of the required field density tests must be located within three feet of the final slope location and at least one density test must be taken within the outer twelve inches of finished slope face for every 5,000 square feet of slope area;

5. Field density tests must be performed on the basis of at least one test for 1,000 cubic yards of compacted fill and at least one test for each two feet of fill thickness.

6. Additional field density testing must occur in areas of critical nature or special emphasis. Where lower density and very high potential expansion characteristics exist, as determined by the soil engineer, lesser compaction may be granted by the City Engineer upon justification and recommendation by the soil engineer.

D. The soil engineer must test for expansive soils for each building pad within three feet of the finish grade of any land development intended or designed as a location for a building. (Ord. 234 § 1, 1989)

11.40.730 Engineering geologist—Responsibilities.

The engineering geologist is responsible for professional inspection and approval of the stability of cut slopes with respect to geological matters and the need for subdrains or other groundwater drainage devices. The engineering geologist must report all findings to the soil engineer for engineering analysis. (Ord. 234 § 1, 1989)

11.40.735 Required inspections.

The permittee must request an inspection by the City Engineer for each item of work listed in this section at the time or stage indicated below. The permittee must request the inspection at least one day before the desired inspection is to occur.

A. Excavation and Fill.

1. Canyon cleanout: after all brush and unsuitable material have been removed and an acceptable base has been exposed, but before any fill is placed;

2. Toe bench and key: after the natural ground or bedrock is exposed and prepared to receive fill, but before fill is placed;

3. Over-excavation: after the area has been excavated but before fill is placed;

4. Excavation: after the excavation is started, but before the vertical depth of the excavation exceeds ten feet, and every ten foot interval thereafter;

5. Fill: after the fill has started, but before the vertical height of the fill exceeds ten feet and every ten foot interval thereafter.

B. Concrete or Gunite Drainage Devices.

1. Cross gutter:

   (a) Subgrade: after the subgrade is prepared and required reinforcement placed,

   (b) Concrete: during concrete placement;

2. Curb and gutter (private property):

   (a) Subgrade: after subgrade is made, forms in place, with required reinforcement,

   (b) Concrete: during concrete placement;

3. Terrace drains, down drains, brow ditches and all over-paved drainage devices:

(a) Subgrade: after grade is made but prior to placement of welded wire mesh or reinforcing steel,

(b) Reinforcement: after thickness control wire and reinforcing steel or welded wire are in place,

(c) Concrete: during concrete or gunite placement.

C. Drainage Devices other than Concrete or Gunite.

1. Subdrains:

(a) After excavation but prior to placement of filter material and pipe. The subdrain pipe and filter material must be on-site for inspection,

(b) After filter material and subdrain have been placed but prior to covering with backfill;

2. Storm Drains and Inlets:

(a) After placement of storm drains, but prior to covering with backfill,

(b) After placement of inlet forms but prior to pouring concrete;

3. Earth swales: prior to rough grading approval.

D. Rough Grading. An inspection must be made when all rough grading is complete and after the City Engineer has reviewed and approved the required reports and the civil engineer has submitted the written report required by Section 11.40.740 indicating substantial conformance to line and grade.

A building permit will not be issued until rough grading has been approved and receipt of the reports required by Section 11.40.740.

E. Irrigation.

1. Pipe Lines and Control Valves. During installation of main and lateral lines, inspections must be made to assure continuous support of all pipe, properly assembled fittings and valve installation, as well as proper backfill procedures.

2. Coverage Test. When the irrigation system is completed, a coverage test must be performed in the presence of the City Engineer or appointed inspector.

F. Planting.

1. General Soil Preparation. After the finish grade has been established and appropriate drainage is accomplished, incorporation of amendments must be

inspected. Amendment material must be approved prior to import. Material invoices and/or licensed weighmaster's certificates may be required.

2. Plant Pit Preparation. During the preparation of all plant pits, inspections must confirm standard procedures are followed to maximize the promotion of healthy root development. Material invoices may be required.

3. Staking and/or Guying Procedures. After completion of planting, removal of all nursery stakes, and proper staking and/or guying practices. Inspection of procedures will confirm compliance.

G. Erosion Control Facilities (Rainy season: October 1st through April 1st).

1. After excavation of desilting basins but prior to fill placement, prefabricated devices are to be available on-site for inspection;

2. After fill placement for desilting basins but prior to placement of concrete or other non-erosive materials;

3. After completion of an erosion control system in accordance with an approved erosion control plan and the requirements of the City Engineer.

H. Final Inspection. The permittee must request a final inspection by the City when all work, including installation of all drainage structures, irrigation, slope planting and other protective devices, has been completed and all written professional approvals, certifications and the required reports and as-graded drawings have been submitted. (Ord. 234 § 1, 1989)

11.40.740 Completion of work.

A. Final Reports. After completion of the rough grading work or when land development work under the grading permit is completed, but before to approval of the grading or land development work and before release of grading securities or issuance of a notice of completion or certificate of use and occupancy:

1. The permittee must cause the responsible civil engineer to submit to the City Engineer:

(a) An as-graded version of the grading plan (as-graded drawings) prepared, signed and dated by the responsible civil engineer. The as-graded drawings must include the following:

(i) original and "as-graded" ground surface elevations, pad elevations, slope ratios and elevations;

(ii) locations of all surface and subsurface drainage facilities;

(iii) location and scaled sections of all buttress/stabilization fills, subdrains; and

(iv) general location and depth of all areas of removal of unsuitable soil;

(v) landscape and irrigation sheets of the grading plan showing the as-built landscape and irrigation works. The civil engineer must work directly with the landscape architect to complete these as-built drawing sheets.

(b) Prior to issuance of a building permit, a written statement (rough grading report) signed by the civil engineer reporting that the site is rough graded in conformance with the approved grading plan, as modified or amended by any construction changes approved by the City Engineer, and which specifically states the following items were performed under the civil engineer's supervision, and are shown correctly on the as-graded drawings:

(i) Staking of line and grade for all engineered drainage devices and retaining walls (rough and final grading),

(ii) Staking of property corners for proper building and slope location (rough grading),

(iii) Location of permanent walls or structures on property corners or property lines,

(iv) Location and slope ratio of all manufactured slopes,

(v) Construction of earthen berms and positive building pad drainage.

2. The permittee must cause the soil engineer to submit to the City Engineer:

(a) A final soils engineering report prepared by the soil engineer. The final soils engineering report must include the following:

(i) type of field testing performed,

(ii) compaction reports,

(iii) suitability of utility trench and retaining wall backfill,

(iv) summaries of field and laboratory tests and other substantiating data,

(v) comments on any changes made during grading and their effect on the recommendations made in the preliminary soils engineering report,

(vi) identification of each field density test, located on a plan or map, the elevation of the test, and the test method of obtaining the in-place density described (either ASTM D1556-78 or the approved equal must be noted);

(b) Written approval of the adequacy of the site for the intended use as affected by geologic factors, a statement of compliance to finish slope heights and gradients, and when required by the City Engineer, an as-graded geologic map;

(c) The utility line backfill report required by Section 11.40.525;

(d) A final geological report or certification by a certified engineering geologist indicating that all geologic problems identified in the engineering geological report have been addressed.

B. Notification of Completion. The permittee must notify the City Engineer when the grading operation is ready for final inspection. The City Engineer is not authorized to provide final approval until all work is completed, including but limited to the following:

1. all drainage facilities and their protective devices are installed;

2. irrigation systems are installed and required plantings are established,

3. all erosion control measures are installed in accordance with the final approved grading plan and the as-graded drawings,

4. required reports and statements of compliance are submitted. (Ord. 234 § 1, 1989)

11.40.745 Notification of noncompliance.

If, in the course of fulfilling responsibility under this chapter, the City Engineer, the soil engineer, the engineering geologist, or the testing agency finds that the land development work is not being performed in accordance with approved plans, specifications or this chapter, the discrepancies must be reported immediately in writing to the grading contractor, the owner, the permittee, and the City Engineer recommendations for corrective measures must be submitted for approval by the City Engineer. (Ord. 234 § 1, 1989)

11.40.750 Stopping and correction of work.

A. The City Engineer is authorized to temporarily suspend all land development or grading work and to suspend a grading permit by issuing a written stop work order in accordance with this chapter, which will remain in effect until the hazard or condition is corrected to the satisfaction of the City Engineer, whenever:

1. field conditions present an immediate hazard or danger to life or property;

2. work is being done in a hazardous manner;

3. land development or grading work does not comply with the terms of a grading permit, the approved plans or conditions, or this code;

4. the soil or other conditions are not as stated on the grading permit;

5. the work being done under a grading permit issued for a subdivision or zoning permit is contrary or conflicting with any approved changes and/or modifications made to the originally approved or conditionally approved tentative map or zoning permit subsequent to the issuance of the grading permit;

6. there is lack of supervision of the grading operation, lack of engineering control, lack of soil engineering control or lack of dust or air pollution control;

7. archaeological or paleontological artifacts or resources are discovered; or

8. violations of the Storm Water Management Ordinance;

9. for any other reason which in the City Engineer's opinion, presents a threat to the public safety or welfare immediately, or in the future, or which may cause unstable earth conditions.

B. The owner must furnish any additional information, investigations and reports necessary to resolve the stop work order conditions. The owner must pay for all work associated with furnishing these items, as well as any additional staff time in resolving the stop work order conditions. (Ord. 234 § 1, 1989)

C. The City Engineer may authorize work subject to a stop work order to resume when the City Engineer determines that conditions which required the stop order are remedied or alleviated. (Ord. 234 § 1, 1989)

11.40.755 Revocation of permits.

A. In addition to any other grounds for revocation of a permit provided in this code, the City Engineer may revoke any permit granted under the provisions of this chapter pursuant to the procedures set forth in Chapters 1.08 and 1.14 if the City Engineer determines any of the following:

1. that the permit was obtained by fraud,

2. that one or more of the conditions upon which the permit was granted have been violated,

3. that the permittee failed or refused to correct a deficiency or hazard upon the receipt of written notice and within the time specified in such notice, or

4. that the permittee fails or refuses to perform any of the work required, or fails or refuses to conform with any of the conditions or standards established for any subdivision, zoning permit or other approval granted by the City, or

5. that the permittee fails to correct any hazard or condition identified by the notice of revocation.

B. If a permit is revoked, no further work subject to the revoked permit may be done except to correct hazards and to complete any work authorized by the City Engineer or City Council. Every agreement and every security required by this chapter must remain in full force and effect notwithstanding any revocation. (Ord. 234 § 1, 1989)

11.40.760 Denial of further permits.

In addition to any other remedy available for noncompliance with the requirements of this chapter, the City Engineer is authorized to deny issuance of any further permits involving development and use of the property where the violation occurred for up to three years.

EXHIBIT 22

CHAPTER 11.42 IMPROVEMENTS REIMBURSEMENT

11.42.010 Purpose.

The purpose of this chapter is to provide a procedure for reimbursing a developer for public and private off-site improvements to streets which are not on the circulation element of the general plan and to drainage facilities which are not on the City master drainage facilities fee map, when such improvements are made as a condition of development. (Ord. 214 § 3, 1988)

11.42.020 Definitions.

In this chapter:

A. "Administrative cost" means expenses and services provided by the City in the management of the reimbursement agreement.

B. "Agreement" means an agreement to reimburse a developer for construction or extension of improvements that benefit another's property.

C. "Benefit area" means the area of benefit approved by the City Council that would be assessed for the cost of the public and private improvement.

D. "Developer" means an individual, a firm or any legal entity altering land, constructing buildings, or both.

E. "Engineering report" means the reimbursement report prepared by a state licensed civil engineer selected by the City, outlining the benefited area and proposed reimbursement payments.

F. "Estimated construction cost" means the estimated cost of construction as outlined in the engineering report and approved by the City Engineer.

G. "Improvements" means drainage systems and public and private streets and related appurtenances constructed to city standards.

H. "Property owner" means an individual, firm or any legal entity shown on the assessor's records as having control of the real property.

I. "Reimbursement payment" means the payment to the developer who paid for the initial construction of the improvement.

J. "Trust fund" means an account established for the deposit of the reimbursement funds during the life of the reimbursement agreement. (Ord. 214 § 3, 1988)

11.42.030 Pre-construction requirements.

A developer required to construct improvements must provide the City with a completed and signed reimbursement agreement to the satisfaction of the City Attorney. The signed agreement must be submitted at the same time as the standard agreement and bonding for the construction of the improvements, along with a deposit to cover the City's costs to review, process and approve the agreement. (Ord. 214 § 3, 1988)

11.42.040 Form and content of agreement.

The reimbursement agreement must satisfy the following

A. Be prepared to the satisfaction of the City Attorney;

B. Be prepared with the assistance of a state licensed civil engineer and contain the following:

1. a legal description of all benefiting properties. The area of benefit must include all parcels of land, or parts thereof, within the City which may be served by the improvements;

2. a detailed plat drawn at an engineering scale on legal-size paper showing the precise locations of all improvements and complete dimensions (including frontage) of all benefiting property;

3. a reimbursement schedule that includes a list of all benefiting properties with current tax assessor's parcel number, owner's name, property's street address, acreage of benefiting parcels and a benefit charge. The amount of the benefit charge assigned to each benefiting parcel is subject to the approval of the City Council. The benefit charge assigned to each parcel must bear a reasonable relationship to the benefit conferred upon that parcel by the improvements and must bear simple interest at the rate of five percent per annum on the unpaid balance;

4. a detailed estimated cost of the design and construction of the improvements;

5. the terms, conditions, and covenants of reimbursement and a trust agreement consistent with the requirements of this chapter. (Ord. 214 § 3, 1988)

C. Be consistent with the requirements of this chapter;

11.42.050 Notice and hearing.

After a reimbursement agreement is approved by the City Attorney, it must be approved by City Council at a public hearing. At least ten days before the hearing, the City clerk must notify the owner, or owners, of the land within the benefited area of the public hearing. The developer must provide address labels for all benefitting properties and pay all fees necessary for notice of the public hearing. (Ord. 214 § 3, 1988)

11.42.060 Decision of City Council.

A. After the hearing provided for in Section 11.42.050, the City Council will consider and determine the following:

1. the feasibility and necessity of the improvements;

2. whether the improvements will be in the best interest of the City;

3. whether to approve, conditionally approve, or deny the reimbursement agreement;

4. the amount to be reimbursed through the reimbursement agreement and

5. the allocation of reimbursement payments among the benefiting parcels. (Ord. 214 § 3, 1988)

11.42.070 Payment for reimbursement.

The reimbursement agreement must provide for reimbursement to applicant as follows:

A. The benefit charge as follows:

1. The amount received by the City as a benefit charge, if any, collected by the City from the owners of benefiting parcels for the privilege of using the improvements, less the administrative costs set forth in Section 11.42.080. The benefit charge for a parcel will be collected by the City as a condition of approval of any development of the benefited parcel, provided the imposition of such condition is reasonably related to such development.

2. The benefit charge for each parcel of land within the benefited area will be determined upon the Directors' report using standard assessment district formulas, as that report may be approved by the City Council.

3. The City Council retains the right to determine, in its sole discretion, both the total cost of the improvements and the benefit charge for each parcel.

B. The developer is entitled to receive the reimbursement provided in this section until all payments as specified in the reimbursement agreement are repaid. When the applicant has received full reimbursement, the applicant will be entitled to no further reimbursements arising out of benefit charges which might be paid to the City. All payments thereafter accruing become the property of the City.

C. All reimbursement funds will be deposited to a trust fund. The right of the developer to payments from the trust fund is personal and do not run with and may not be assigned with, the lands owned by the developer.

D. Payments will be made at such times as are convenient to the City, but in no event, less often than annually if the City has received any benefit charges.

E. Payment to the developer will include the interest collected from a benefited owner assessed against the benefit charge at a rate of five percent per year in simple interest. (Ord. 270 § 2, 1991; Ord. 214 § 3, 1988)

11.42.080 Administrative costs—Assessment.

An administrative charge of five percent will be assessed on all reimbursement payments to cover administrative costs incurred by the City. (Ord. 214 § 3, 1988)

11.42.090 Responsibility for required information.

The developer applying for reimbursement is solely responsible for all information needed to process the reimbursement agreement. Any errors or inaccuracies may constitute grounds for the denial of the developer's application. (Ord. 214 § 3, 1988)

11.42.100 Recordation of agreements.

The developer must file the agreement, or a notice or memorandum of agreement, with the county recorder following full execution of the agreement by all parties. (Ord. 214 § 3, 1988)

EXHIBIT 23

CHAPTER 11.44 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

11.44.010 Uniform Code for the Abatement of Dangerous Buildings adoption by reference.

The city adopts as its dangerous building code the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials.

11.44.020 Penalties

Any person who violates or fails to comply with Chapter 6 of the Uniform Code for the Abatement of Dangerous Buildings or any final order of the Building Official or the board of appeals made pursuant to this chapter is guilty of a misdemeanor and may be punished by a fine or imprisonment as set forth in title 1 of this code.

EXHIBIT 24

CHAPTER 11.48 HISTORICAL LANDMARKS

11.48.010 Purpose.

The City Council declares that recognizing, preserving, enhancing, perpetuating, and using structures, natural features, sites and areas within the City that have historic, architectural, archaeological, cultural or aesthetic significance is in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purposes of this chapter are to:

A. Safeguard the heritage of the City by providing for the protection of landmarks representing significant elements of its history;

B. Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within landmark districts reflecting unique and established architectural traditions;

C. Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

D. Strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors;

E. Promote the private and public use of landmarks and landmark districts for the education, prosperity and general welfare of the people;

F. Stabilize and improve property values within the City. (Ord. 135, § 22.22.010, 1984)

11.48.020 Definitions.

In this chapter:

A. "Adobe" means unburnt, sun-dried, clay brick; or a building made of adobe bricks.

B. "Alteration" means any exterior change or modification. For the purposes of this chapter, alteration of any landmark or of any property located within a landmark district includes, but is not limited to, exterior changes to or modification of structure, architectural details or visual characteristics, such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

C. “Archaeological” means anything pertaining to the scientific study of the life and culture of earlier peoples by excavation of sites and relics.

D. “Architectural” means anything pertaining to the science, art or profession of designing and constructing buildings.

E. “Committee” means the Santee Historical Society.

F. “County assessor” means the tax assessor of the county of San Diego.

G. “Cultural” means anything pertaining to the concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.

H. “Elevations” means the flat scale orthographic projected drawings of all exterior vertical surfaces of a building.

I. “Facade” means the front of a building or the part of a building facing a street, courtyard, etc.

J. “Landmark” means any structures, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark under the provisions of this chapter.

K. “Landmark district” means any area of the City containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark district under the provisions of this chapter.

L. “Natural feature” means any tree, plant life or geological element.

M. “Owner” means any person, association, partnership, firm, corporation or public entity appearing as the holder of title to any property on the last assessment roll of the county assessor.

N. “Preservation easement” means any interest held by the public in any structures, natural feature, site or area not owned by the public and restricting its use, alteration, relocation or demolition for the purpose of preservation.

O. “Site plan” means any flat scale drawing of the place where something is, is to be, or was located.

P. “Structure” means any building or any other manmade object affixed on or under the ground.

Q. “Structure of merit” means any structure not designated as a landmark but deserving official recognition as having historic, architectural, archaeological, cultural or aesthetic significance and designated as a structure of merit under the provisions of this chapter. (Ord. 135, § 22.22.020, 1984)

11.48.030 Criteria for designation of landmarks.

In considering a proposal to recommend to the City Council any structure, natural feature, site or area for designation as a landmark, the committee must evaluate the following criteria:

A. Its character, interest or value as a significant part of the heritage of the City, the state, or the nation;

B. Its location as a site of a significant historic event;

C. Its identification with a person or persons who significantly contributed to the culture and development of the City, the state, or the nation;

D. Its exemplification of a particular architectural style or way of life important to the City, the state, or the nation;

E. Its exemplification of the best remaining architectural type in a neighborhood;

F. Its identification as the creation, design or work of a person or persons whose effort has significantly influenced the heritage of the City, the state, or the nation;

G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship;

H. Its relationship to any other landmark if its preservation is essential to the integrity of that landmark;

I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

J. Its potential of yielding significant information of archaeological interest;

K. Its integrity as a natural environment that strongly contributes to the well-being of the people of the City, the state, or the nation. (Ord. 135, § 22.22.040, 1984)

11.48.040 Procedure for designation of landmark.

The procedure for designation of any landmark is as follows:

A. Upon its own initiative or upon the application of any person or entity, the committee may recommend to the City Council the designation as a landmark of any structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance.

B. The City Council may adopt a resolution of intention to consider recommendation of the property for designation as a landmark.

C. Thereafter, any environmental assessment required by any applicable federal, state, or local laws or regulations must be completed.

D. No later than thirty-five days after the date of such resolution or completion of environmental assessment, whichever is later, the City Council must conduct a public hearing on the proposal, and provide a reasonable opportunity for any interested party to be heard.

E. The City Council must adopt a resolution to recommend designation of the property as a landmark, or to deny such recommendation, no later than the next regularly scheduled meeting following the public hearing. The resolution must be reduced to writing and contain specific findings by the City Council.

F. Upon designation of a landmark, the City clerk must cause such designation to be recorded in the office of the recorder of the county. (Ord. 135, § 22.22.050, 1984)

11.48.050 Existing landmarks.

Any property designated by the City Council as of special interest as historic landmark must not be demolished or relocated, except as provided for landmarks under Section 11.48.070. Upon designation as landmarks under Section 11.48.040, said properties must then become subject to all of the provisions of this chapter pertaining to landmarks. (Ord. 135, § 22.22.060, 1984)

11.48.060 Repair and maintenance of landmarks and structures of merit.

The owner of a landmark must maintain or cause the landmark to be maintained in good repair and to preserve it against decay and deterioration. Nothing in this chapter prohibits ordinary and necessary maintenance and repair of a landmark. (Ord. 135, § 22.22.070, 1984)

11.48.070 Demolition, relocation or alteration of landmark.

A. Prohibition—Exceptions. It is unlawful for any person to alter the exterior, relocate, or demolish a landmark, except under the following conditions:

1. Exterior alterations to a landmark for the purpose of restoring to its original appearance, or to substantially aid its preservation or enhancement, must not be made without the prior written approval of the City Council.

2. Relocation of a landmark to substantially aid its preservation or enhancement must not be made without the prior written approval of the City Council.

3. In the event that a landmark is damaged by earthquake, fire or act of God, and cannot with reasonable cost and with reasonable diligence be repaired and restored, such a landmark may be demolished with the prior written approval of the City Council.

B. Proposed Landmarks. It is unlawful for any person to alter the exterior, relocate, or demolish any structure, natural feature, site, or area proposed for designation as a landmark after adoption by the City Council of a resolution of intention, as provided in Section 11.48.040, unless and until such proposal is denied recommendation by the committee, or is denied designation as a landmark by the City Council.

C. Issuance of Permits. Any application to the City for a permit to alter the exterior, relocate, or demolish any landmark, together with plans, elevations and site plans therefor, must be referred to the City Council for consideration. No permit to alter the exterior, relocate, or demolish any such landmark will be issued without the prior written approval of the City Council. (Ord. 135, § 15.60.080, 1984)

11.48.080 Landmarks—Building permits.

Any application for a permit to construct or alter the exterior any structure designated as a landmark pursuant to this district, together with plans, elevations and site plans, must be referred to the City Council for review. A permit must not be issued without the prior written approval of the City Council. The City Council must not approve issuance of such permit unless the plans conform to the provisions of this chapter. Any application for a permit must be considered and either approved or disapproved by the City Council at its next regularly scheduled meeting for which an agenda has not been finalized after completion of any required environmental assessment, but may be continued to the next regular meeting. In the absence of timely oral or written objection by the applicant, the City Council may continue consideration of application to subsequent meetings. (Ord. 135, § 22.22.110, 1984)

11.48.090 Publicly owned property.

A. Unless the City Council determines it is unnecessary, alteration, construction, or relocation of City-owned designated landmarks and structures of merit are subject to sections 11.48.060 and 11.48.070.

B. Any structure, natural feature, site or area owned or leased by any public entity and designated as a landmark or structure of merit is not subject to the provisions of sections 11.48.060, 11.48.070.

11.48.100 Preservation easements.

The city may acquire easements restricting the use, alteration, relocation, or demolition of designated landmarks or structures of merit. (Ord. 135, § 22.22.130, 1984)

ORDINANCE NO. 566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, RESTATING, AMENDING, AND RECODIFYING TITLE 13 OF THE SANTEE MUNICIPAL CODE RELATING TO ZONING

WHEREAS, pursuant to article XI, section 5 of the California Constitution and Government Code section 37100, the legislative body of a city may pass ordinances not in conflict with the Constitution and laws of the State or the United States;

WHEREAS, Government Code sections 50022.1 to 50022.10 authorize a city to codify its ordinances. Government Code section 50022.9 authorizes a city to adopt county codes by reference;

WHEREAS, in Ordinance 1, adopted as the first act of the City of Santee ("City") on December 2, 1980, the City temporarily adopted all county ordinances of the County of San Diego as its municipal code (the "Santee Municipal Code");

WHEREAS, in Ordinances 14 and 18, the City extended the validity of the county ordinances to provide additional time for the City to adopt its own ordinances;

WHEREAS, the City has not adopted a comprehensive code of ordinances, but has amended the county's ordinances in a piecemeal fashion more than 300 times;

WHEREAS, Government Code section 50022.10 authorizes the recodification or recompilation of any adopted and fully published code;

WHEREAS, the City Council of the City of Santee held a series of public meetings to consider proposed restatement, amendment, and recodification issues for each title of the Santee Municipal Code as follows:

March 8, 2017	Titles 1 and 2
September 6, 2017	Titles 3 and 5
February 14, 2018	Titles 6, 8, and 9
March 28, 2018	Titles 12 and 13
August 8, 2018	Title 10
September 26, 2018	Titles 6, 15, and 16
November 14, 2018	Title 17
April 24, 2019	All titles

WHEREAS, the City desires to restate without substantive revision, amend, and recodify the ordinances codified in the Santee Municipal Code;

WHEREAS, the amendments to the Santee Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance;

WHEREAS, the descriptions included in the council agenda statement, staff report, and minutes contain the findings of the City Council in support of this Ordinance and serve as evidence of the City Council's intention in adopting this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTEE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Miscellaneous.

2.1. **Existing Law Continued**. The adoption of the provisions in this Ordinance that are substantively the same as existing ordinances relating to the same subject are restatements and continuations of existing ordinances and not new enactments or amendments. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

2.1.1. Actions and proceedings that began before the effective date of this Ordinance;

2.1.2. Prosecution for ordinance violations committed before the effective date of this Ordinance;

2.1.3. The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance;

2.1.4. Bonds and cash deposits required to be posted, filed, or deposited pursuant to any ordinance, resolution, or regulation;

2.1.5. Matters of record that refer to or are connected with a provision of the prior Code as amended and which references shall be construed to apply to the corresponding provisions of the Santee Municipal Code;

2.1.6. Santee Municipal Code sections cited on signs, forms, notices, or other materials within the City shall, until updated if and as required, be deemed to be citations to the counterpart sections in

the new Santee Municipal Code for purposes of notice and enforcement.

2.2. **Exclusions from code**. Every ordinance governing the following subject matter is not affected by the adoption of this Ordinance:

2.2.1. Alteration of city boundaries;

2.2.2. Contracts to which the city is a party;

2.2.3. Elections to which the city is a party;

2.2.4. Fixing the rate and making a levy of city taxes;

2.2.5. Granting, altering or withdrawing a franchise;

2.2.6. Land use classifications of specific property;

2.2.7. Naming roads and streets.

2.3. **References to Prior Ordinances Apply to All Amendments.** Whenever a reference is made to this code as the "Santee Municipal Code" or to any portion thereof, or to any ordinance of the City of Santee, California, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

2.4. **Title, Chapter, and Headings**. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

2.5. **References to Specific Ordinances and Code Sections**. The provisions of this Ordinance do not affect matters of record which refer to, or are connected with ordinances, titles, chapters, articles, or section headings included within the Santee Municipal Code. Renumbering and relabeling of existing ordinance, title, chapter, article, and section headings by this Ordinance does not affect the continuing validity of existing laws. Any existing reference to an ordinance, title, chapter, article, or section heading which is renumbered or relabeled by this Ordinance must be construed to apply to the corresponding provisions contained within this Ordinance.

2.6. **Effect of Ordinance on Past Actions**, **Obligations and Irregularities**. All rights and obligations existing under any ordinance in effect prior to the effective date of this Ordinance continue in full force and effect. This Ordinance does not invalidate any action taken prior to the effective date of this Ordinance if the action was proper under the law governing the action at the time the action was taken. Adoption of this Ordinance supersedes the incorporated ordinances, and to the extent there is a conflict therewith, this Ordinance takes precedence over the incorporated ordinances. In the event of any irregularities in the restatement of any ordinances, this Ordinance constitutes a readoption of any said ordinance with the intent of curing any such

adoption irregularity. Adoption of this Ordinance, and the resulting repeal or amendment of any ordinance or portion of any ordinance of the City, do not revive any rights repealed or extinguished by any prior ordinance of the City which is repealed by this Ordinance.

2.7. **Effect of Ordinance on Period of Limitation**. When a limitation or period of time prescribed in any existing ordinance for acquiring a right or barring a remedy, or for any other purpose, has begun to run before this Ordinance goes into effect, and the same or any limitation is prescribed in this Ordinance, the time which has already run is deemed part of the time prescribed as such limitation by this Ordinance.

2.8. **Successor Codes.** All references in this Ordinance to California codes includes all successor provisions to such codes. Where any of the provisions of this Ordinance conflict with subsequent changes in the cited or successor codes or other applicable California law, the provisions of those changed or successor codes or other applicable law applies in place of the conflicting provisions in this Ordinance. Any such changed or successor or other applicable law applies to allow imposition of the maximum penalties, interest, charges, and damages and the strictest compliance deadlines then allowed by law.

SECTION 3. Title 13 “Zoning” of the Santee Municipal Code is hereby restated and amended as follows:

3.1. Chapter 13.04 “Administration” is restated and amended as set forth in Exhibit 1 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.2. Chapter 13.06 “Permits” is restated and amended as set forth in Exhibit 2 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.3. Chapter 13.08 “Development Review” is restated and amended as set forth in Exhibit 3 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.4. Chapter 13.09 “Procedures and Requirements for Consideration of Development Agreements” is restated and amended as set forth in Exhibit 4 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.5. Chapter 13.10 “Residential Districts” is restated and amended as set forth in Exhibit 5 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.6. Chapter 13.12 “Commercial / Office Districts” is restated and amended as set forth in Exhibit 6 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.7. Chapter 13.14 “Industrial Districts” is restated and amended as set forth in Exhibit 7 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.8. Chapter 13.16 “Park / Open Space District” is restated and amended as set forth in Exhibit 8 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.9. Chapter 13.18 “Town Center District” is restated without substantive amendment as set forth in Exhibit 9 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.10. Chapter 13.19 “Planned Development District” is restated and amended as set forth in Exhibit 10 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.11. Chapter 13.21 “Residential Business District” is restated without substantive amendment as set forth in Exhibit 11 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.12. Chapter 13.22 “Overlay Districts” is restated without substantive amendment as set forth in Exhibit 12 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.13. Chapter 13.24 “Parking Regulations” is restated without substantive amendment as set forth in Exhibit 13 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.14. Chapter 13.26 “Density Bonus Program” is restated and amended as set forth in Exhibit 14 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.15. Chapter 13.28 “Adult Businesses” is restated and amended as set forth in Exhibit 15 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.16. Chapter 13.30 “General Development and Performance Standards” is restated without substantive amendment as set forth in Exhibit 16 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.17. Chapter 13.32 “Signs” is restated and amended as set forth in Exhibit 17 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.18. Chapter 13.34 “Wireless Telecommunications Facilities” is restated and amended as set forth in Exhibit 18 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

3.19. Chapter 13.36 “Landscape and Irrigation Regulations” is restated without substantive amendment as set forth in Exhibit 19 to this Ordinance, which is incorporated by this reference as if set forth in full at this point.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3) and 15378(b)(5). An activity is subject to CEQA only if that activity has “the potential for causing a significant effect on the environment.” (State CEQA Guidelines, § 15061(b)(3).) An activity is thus exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” (*Ibid*.) Here, the recodification, restatement, and amendment of the Santee Municipal Code as set forth in this Ordinance does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines, § 15061(b)(3).) Moreover, approval of the Ordinance constitutes an administrative activity of the City and is additionally exempt from CEQA on that basis. (State CEQA Guidelines, § 15378(b)(5).) Staff is hereby directed to prepare, execute and file with the San Diego County Clerk a CEQA Notice of Exemption within five (5) working days after the adoption of this Ordinance.

SECTION 5. Codification. The City has adopted the “City of Santee Municipal Code Editorial Guidelines,” and, except as otherwise provided herein, authorizes Quality Code Publishing to make technical, non-substantive changes to conform the codified Ordinance to the guidelines. In the event a substantive conflict arises on the basis of the changes authorized by this Section, the language adopted by this Ordinance prevails. The City Clerk is authorized to provide certified copies and notice of this Ordinance or any part of this Ordinance required or advised by the law or any regulation.

SECTION 6. Parentheticals. Parenthetical references of a historical nature are not a substantive part of this Ordinance and may be deleted and modified as necessary as part of the recodification of the Santee Municipal Code.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Santee hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary or 1/4 page advertisement of the same to be published as required by law

INTRODUCED AND FIRST READ at a public hearing held at a Regular Meeting of the City Council of the City of Santee, California, on the 12 day of June 2019, and thereafter ADOPTED at a Regular Meeting of the City Council held on this 26 day of June 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

APPROVED

_____
JOHN MINTO, MAYOR

ATTEST:

_____
ANNETTE ORTIZ, CITY CLERK

EXHIBIT 1

TITLE 13 ZONING

CHAPTER 13.04 ADMINISTRATION

13.04.010 Purposes and general plan consistency.

A. Title. This title is known as the zoning ordinance of the City of Santee.

B. Adoption. This title is adopted pursuant to the authority granted to the City by Section 65800 et seq. of the Government Code of the state.

C. Purpose—Intent. These standards and guidelines for the City are established and adopted to protect and promote the public health, safety, morals, comfort, convenience, welfare; and more particularly:

1. To implement the goals and objectives of the general plan and to guide and manage the future growth of the City in accordance with such plan;

2. To protect the physical, social, and economic stability for residential, commercial, industrial, and other land uses within the City to assure its orderly and beneficial development;

3. To reduce hazards to the public resulting from the inappropriate location, use, or design of buildings, and other improvements;

4. To attain the physical, social, and economic advantages resulting from comprehensive and orderly land use and resource planning.

D. Consistency With the Land Use Element of the General Plan. No use of land or buildings is to be approved for processing under this title unless it is consistent with the land use element of the general plan. In any case where there is a conflict in regulation between this title and the land use element, the land use element prevails. A proposed use is consistent with the land use element when all of the following conditions exist:

1. The proposed use is allowed as a primary or secondary use in the land use element designation in which the use is located, as shown by the land use element map and as described in the text of the City's general plan.

2. The proposed use is in conformance with the programs and standards of the land use element.

3. The proposed use is to be established and maintained in a manner which is consistent with the land use element and all applicable standards contained therein. (Ord. 152, 1985)

13.04.020 Zoning districts.

A. In order to classify and regulate the use of the land, building and structures, and to establish minimum site development regulations and performance standards applicable to sites in the City, the City is hereby divided into the following districts:

District Title	Map Classification
Residential Districts	
Hillside/Limited Residential (0-1 du/gross ac)	HL
Low Density Residential (1-2 du/gross ac)	R-1
Low Density Residential (2-4 du/gross ac)	R-1A
Low-Medium Density Residential (2-5 du/gross ac)	R-2
Medium Density Residential (7-14 du/gross ac)	R-7
Medium-High Density Residential (14-22 du/gross ac)	R-14
High Density Residential (22-30 du/gross ac)	R-22
Urban Residential (30 du/gross ac)	R-30
Commercial/Office Districts	
Office & Professional	OP
Neighborhood Commercial	NC
General Commercial	GC
Industrial Districts	
Light Industrial	IL
General Industrial	IG
Other Districts	
Park/Open Space	P/OS
Town Center	TC
Residential Business	RB
Planned Development	PD

Overlay Districts	
Mobile Home Park	MHP
Hillside	H
Mixed Use	MU
Residential Business	RB

B. Adoption of Zoning District Base Map.

1. Boundaries of the zoning districts hereby established by this ordinance shall be shown on the zoning district map of the City. The zoning district map, together with all legends, symbols, notations, references, district boundaries and other information thereon, shall be a part of the ordinance and is adopted concurrently herewith.

2. The zoning district map and a record of all prior amendments thereto shall be kept on file with the City clerk, and shall constitute the original record. A copy of the currently effective district map shall also be kept on file with the Department. Changes in the boundaries of any district shall be made by ordinance pursuant to this chapter, and shall be reflected on the zoning district map.

C. Applicability.

1. The provisions of this title are declared to be in effect upon all properties included within the boundaries of each and every district established by this code.

2. Wherever a lot or site is divided by the boundary between districts, the regulations applicable with each district shall apply to each portion of the site situated in a separate district.

3. All lands now or hereafter included within the City, which lands are not included within a specified district shown on the zoning district map or not shown as predistrict to a specified district in accord with applicable provisions of this ordinance, shall be deemed within the open space district.

4. The following rules shall apply in the determination of boundaries of any district shown on the zoning district map:

   (a) Where boundaries are indicated as approximately following street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are indicated as within street and alley lines, or within identifiable rights-of-way or creeks, the center line thereof shall be construed to be the district boundary.

(b) In unsubdivided property, where a district boundary divides a lot, the location of the district boundary, unless the same shall be indicated by dimensions, shall be determined by use of the scale appearing on the zoning district map.

(c) A symbol, or symbols, indicating the classification of the property on the zoning district map shall in each instance apply to the whole of the area within the zoning district boundaries.

(d) Where a public street, alley, or right-of-way is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to each half of such vacated or abandoned street, alley, or right-of-way.

5. Distances between structures, or between a structure and any property line, setback line, or other line or location prescribed by this zoning ordinance shall be measured to the exterior face of the nearest wall or vertical support of such structure.

6. Any structure for which a building permit has been issued under the provisions of earlier ordinances of the City, and which is in conflict with this ordinance, may be constructed in accordance with the plans and specifications upon which the permit was issued, provided such permit is valid at the time of beginning construction.

7. The following shall apply when a property has dual zones.

(a) The property may be developed in accordance with either zone's development, performance and maintenance standards, exclusively, or in combination with one another (i.e., mixed use).

(b) When a property is developed in accordance with dual zones, one of which is residential, the development, performance and maintenance standards for each use shall be applied to the portion of the property where that use is located. For example, when a development is comprised of a residential and commercial component, the residential standards would apply to the residential component, and the commercial standards would apply to the commercial component.

When a property is developed in accordance with dual zones, where both zones are non-residential, the least restrictive development, performance and maintenance standards shall apply. Notwithstanding the above, all uses shall be required to meet their respective parking requirements pursuant to Chapter 13.24.

(c) When both zones are non-residential, any use which is permitted in either zone shall be permitted. Any use which is conditionally permitted in either zone (and is not permitted in either zone), shall be conditionally permitted. In cases where a use requires a minor conditional use permit in one zone

and a major conditional use permit in the other zone, only a minor conditional use permit shall be required.

(d) In circumstances where it is unclear which development, performance or maintenance standards are to apply to a given dual zone development, such standards shall be determined by a development review permit, or a major or minor conditional use permit. (Ord. 495 § 1, 2010; Ord. 438 § 1, 2003)

13.04.030 Conflicts and clarifications.

The provisions of this code are not intended to interfere with or void any easements, covenants, or other existing agreements which are more restrictive than the provisions of this zoning ordinance.

A. Conflict With Other Regulations. Whenever the provisions of this code impose more restrictive regulations upon buildings or structures, or on the use of lands, or require larger open spaces, yards, or setbacks, or otherwise establish more restrictive regulations than are imposed or required by any other law, title, ordinance, code or regulation, the provisions of this code shall govern.

B. Clarification of Ambiguity. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or district boundaries as set forth herein, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by resolution of record set forth the findings and interpretations.

C. Statutory Authority in Case of Conflicting Provisions. Nothing in this code shall be deemed to affect, annul or abrogate any other ordinances pertaining or applicable to the properties and areas affected by this code. In the event that a conflict does arise, the more restrictive code requirement shall apply. (Ord. 152, 1985)

13.04.040 Use determination.

A. Purpose and Initiation. In order to ensure that the zoning ordinance regulations will permit all similar uses in each district, the Planning Commission, upon its own initiative or upon written request shall determine whether a use not specifically listed as permitted, secondary, accessory or temporary use in any district shall be deemed a permitted use or conditional use in one or more districts on the basis of similarity to uses specifically listed. The procedures of this section shall not be substituted for the amendment procedure as a means of adding new uses to the list of permitted or conditional uses.

B. Application. Application for determination of similar uses shall be made in writing to the Director and shall include a detailed description of the proposed use and such other information as may be required by the Director to facilitate the determination.

C. Investigation and Report. The Director shall compare the proposed use characteristics with the general plan goals and objectives as well as the purposes of each of the

use districts and may determine if the proposed use should be a permitted or conditional use in any of the districts and shall make a report of his findings to the Planning Commission.

D. The Planning Commission shall base its decision upon meeting the following findings:

1. The use in question is of a similar intensity to other permitted or conditionally permitted uses in the same district.

2. The use in question meets the purpose and intent of the district in which it is proposed.

3. The use in question meets and conforms to the applicable goals and objectives of the general plan.

E. Determination. The determination of the Planning Commission by resolution shall be effective ten calendar days after the date of decision unless appealed to the City Council as prescribed in Section 13.04.070. (Ord. 152, 1985)

13.04.050 Amendments.

A. Purpose and Intent. This section establishes the procedures for amending district regulations and boundaries. The amendment process is necessary to provide consistency with the zoning ordinance with the general plan and state law, and to increase its effectiveness and clarity to implement the general plan goals and objectives.

B. Initiation.

1. A change in the boundaries of any district may be initiated by the owner or the authorized agent of the owner of property by filing an application for a district amendment as prescribed in this section. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents must join in filing the application.

2. A change in the boundaries of any district or a change in the regulations may be initiated by the consensus of the City Planning Commission or City Council.

C. Application.

1. Application of amendments shall be filed with the Department on a form prescribed by the Director.

2. The Director may require additional information if necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this code and the City's adopted general plan.

3. An application initiated by a property owner shall be accompanied by a fee established by the City Council.

D. Concurrent Applications. An application for an amendment may be filed concurrently with any other application(s) as deemed appropriate by the Director.

E. Public Hearing. The Planning Commission shall hold a public hearing on each application for a district boundary change or for a change in district regulations. The hearing shall be set and notice given as prescribed in Section 13.04.100.

F. Action by the Planning Commission. The Planning Commission shall state by resolution whether the change is consistent with the objectives of this code and with the general plan, and shall recommend to the City Council that the amendment be granted, denied or granted in modified form.

G. Alternative Classification in Lieu of Proposed Classification. When the Planning Commission determines, following a public hearing on a proposed district boundary amendment that a change to a district classification other than the proposed classification specified in the hearing notice is desirable, the Planning Commission may recommend an alternate classification. The commission must determine that the recommended alternative is more appropriate for the subject property and is consistent with the general plan and intent of the zoning ordinance. If it is more intense than the recommended alternative a new public hearing is required.

H. Pre-District.

1. For the purpose of establishing district regulations to become effective only upon annexation, property outside the corporate boundaries of the City, within the sphere of influence, may be classified within one or more districts in the same manner and subject to the same procedural requirements as prescribed for property within the City.

2. Upon passage of an ordinance establishing the applicable pre-district designation for property outside the City, the district map shall be revised to show the potential or "pre-district" classification to become effective upon annexation, and shall identify each district or districts applicable to such property with the label of "PRE-DISTRICT" in addition to such other map designation as may be applicable. (Ord. 152, 1985)

13.04.060 Revisions—Modifications.

A. Minor Revisions—Administrative. Minor revisions or modifications to approved site plans, conceptual grading plans, landscape plans, or development review plans may be approved by the Director. Minor revisions and modifications shall be defined as, and shall include the following:

1. Floor plan changes which do not substantially alter the site plan or building elevations;

2. Parking and circulation configurations which do not change the basic parking areas or circulation concept, such as relocating whole parking areas from one area

of the site to another or by adding or deleting circulation areas that could have potential impacts to adjacent or surrounding properties;

3. Outside building configurations which do not create a greater bulk, scale, or change in the line of sight;

4. Building placements which do not change the general location and layout of the site;

5. Grading alterations which do not change the basic concept, increase slopes, or building elevations, or change course of drainage which could adversely affect adjacent or surrounding properties;

6. Landscape modifications which do not alter the general concept or reduce the effect or amount originally intended;

7. Architectural changes which do not change the basic form and theme;

8. Exterior material or color changes which do not conflict with the original architectural form and theme, and which are consistent and compatible with the original materials and colors.

9. Modifications to conditions of approval if the Director determines the request is consistent with the intent of the original approval.

In addition to the above guidelines, the Director must determine that the circumstances, standards, ordinances, conditions and findings applicable at the time of the original approval still remain valid.

B. Major Revisions. Revisions or modifications to site plans, grading plans, landscape plans, or architectural plans which are not considered minor as described in the previous section shall be considered major revisions. Major revisions shall be processed through the same approval procedure and authority which granted the original approval. The applicant requesting such revisions shall be required to supply any necessary plans, as deemed appropriate by the Director, and pay necessary fees to cover the review procedure. The decision of the approval authority shall be final unless appealed in accordance with Section 13.04.070. (Ord. 314 § 2, 1993; Ord. 152, 1985)

13.04.070 Appeals.

Appeals of any actions of the Director or Planning Commission, as outlined in this section, may be made by any person in the manner described below. While an appeal is pending, the establishment of any affected structure or use is to be held in abeyance. In hearing such an appeal, the appeal body (Planning Commission) may affirm in part, or reverse the previous determination which is the subject of appeal, provided that an appeal is not to be granted only when the relief sought should otherwise be granted through variance or amendment of this title or of the land use element of the general plan.

A. Administrative Decision. Appeals based on decisions by the Director may be filed by an aggrieved party with the Planning Commission. Except as otherwise provided in this title, such appeal is to be filed with the secretary of the Planning Commission in writing within ten calendar days of the date of the written decision. The Planning Commission may consider the matter and may affirm or reverse wholly or partly, the action which is in question.

B. Planning Commission Decision. Appeal of a Planning Commission decision or interpretation of the provisions of this title including consistency with the land use element of the general plan may be made by filing a written notice of appeal with the City Clerk within ten calendar days of the date of the written decision. The City Council will consider the matter and may affirm or reverse wholly or partly the action which is in question. (Ord. 152, 1985)

13.04.080 Approval to extend with the land or applicant.

Any approval such as an approved site plan, grading plan, landscape plan or development review plan, shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies. (Amended during 1989 supplement; Ord. 152, 1985)

13.04.090 Lapse of approval and extensions.

A. Lapse of Approvals. Approvals for development review, conditional use permits, minor conditional use permits, variances and minor deviations shall lapse and become void three years from the approval date, unless a different expiration date is specifically established as a condition of approval and unless one of the following actions occur:

1. A building permit is issued in accordance with the approved entitlement and construction is commenced and diligently pursued toward completion; or,

2. A certificate of occupancy is issued; or,

3. A final map or parcel map has been recorded and a building permit application has been submitted.

B. Extensions. An extension may be issued for lapse of approval for projects described in the previous subsection. Approvals originally granted by the Director may be extended by the Director. Approvals by the Planning Commission may only be extended by the Planning Commission, unless the Director has been given express authority to approve an extension request. An extension may be granted for up to two years and shall not exceed a total of five years from the original date of approval. All requests for extensions should be filed with the Director 60 days prior to the expiration date. The Director or Planning Commission may extend the approval of a project if they find that there have been no significant changes in the land use element, zoning ordinance, or character of the area within which the project is located, that would cause the approved project to become inconsistent or nonconforming. Also, the granting of an extension should not be detrimental to the public health, safety, or welfare, or materially injurious to property or improvements in the vicinity. (Ord. 438 § 1, 2003; Ord. 152, 1985)

13.04.100 Public hearings and notifications.

A. General. A public hearing shall be held prior to action by the Planning Commission in any of the following cases:

1. Any change in the text of this title and/or the general plan;

2. Any change in the district map;

3. As specifically required by state law (i.e., tentative tract and parcel map, conditional use permits, variances);

4. As determined necessary or desirable by the Planning Commission and/or council upon the adoption of a resolution setting the time and place for a public hearing.

B. Authority to Notice Hearings. The Director is authorized to advertise and to notice a public hearing as provided in this section for the Planning Commission and the City clerk for the council when required by this title or when such hearing is considered desirable or necessary in order to carry out the purpose of this title.

C. Notice of Hearing. The Director shall cause notice of the date, time and place of the public hearing on the project to be given in the following manner:

1. Notice of public hearing shall be mailed or delivered at least ten days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant;

2. Notice of public hearing shall be mailed or delivered at least ten days prior to the hearing to all owners of property, as shown on the latest equalized assessment roll, within 300 feet of the real property that is the subject of the hearing;

3. Notice of public hearing shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing;

4. If an error in any of these procedures occurs, the public hearing shall be continued and renotification shall take place.

D. Other Notice Requirements. Notices required by this section shall be in addition to any other or different notice required by other provisions of this code or by state law; provided, however, that nothing therein shall require separate notices to be given if the same notice will satisfy the requirements of this section and any other applicable section of this code or state law.

E. Continuance of Hearings. Any public hearing may be continued from time to time by the body or official conducting the hearing, subject to limitations provided by law, and in such case no further notice need be given. (Ord. 314 § 2, 1993; Ord. 152, 1985)

13.04.110 Nonconforming uses and structures.

A. Purpose. This section is intended to limit the number and extent on nonconforming uses by regulating their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. In addition, this section is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this code.

B. Determination. The Director is authorized to determine, based on evidence the Director deems sufficient, whether any use is nonconforming within the requirements of this section. Any person affected by a decision of the Director may request a public hearing on the determination in accordance with Section 13.04.100.

C. Continuation and Maintenance.

1. A use lawfully occupying a structure or a site, that does not conform with the use regulations or the site area regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise limited in this section.

2. A structure, lawfully occupying a site, that does not conform with the standards for front, side or rear yard setbacks, height of structures, lot coverage, distances between structures, and parking facilities for the district in which the structure is located, shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise limited in this section.

3. Maintenance and repairs may be performed on a nonconforming use or structure.

D. Alterations and Additions to Nonconforming Uses and Structures.

1. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or any other structure or site which it did not occupy at the time it became a nonconforming use occupying a structure or site, except as permitted in Subsection F of this section.

2. No nonconforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front, side, or rear setbacks, height of structures, lot coverage, distances between structures and parking facilities as prescribed in the regulations for the district in which the structure is located, except as permitted in Subsection F of this section.

E. Discontinuation of Nonconforming Use. Whenever a nonconforming use has been changed to a conforming use or has been discontinued for a continuous period of 180 days or more, the nonconforming use shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located. Discontinuation shall include termination of a use regardless of intent to resume the use.

F. Restoration of a Damaged Structure.

1. Whenever a structure which does not comply with the standards for front, side, or rear setbacks, height of structures, lot coverage, distances between structures and parking facilities as prescribed in the regulations for the district in which the structure is located, or the use of which does not conform with the regulations for the district in which it is located, is destroyed by fire or other calamity, to the extent of 50% or less, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion. When the destruction exceeds 50% or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the district in which it is located and the nonconforming use shall not be resumed, except as permitted in this section.

2. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the building official and shall be based on the minimum cost of construction in compliance with the building code.

G. Expansion or Restoration of Nonconforming Uses and Structures. A request for expansion or restoration of a nonconforming use or structure may be granted subject to the approval of a conditional use permit by the Planning Commission. An expansion or restoration of a nonconforming single-family residence may be granted by the Director subject to approval of a minor conditional use permit. The approval authority may grant the request, grant the request with modification, or deny the request. The approval authority may require as a condition of a use permit that a specific termination date be set for the use and/or structure which is being expanded or restored. Before granting a conditional use permit or a minor conditional use permit for the expansion or restoration of a nonconforming use or structure, the approval authority shall make the following findings:

1. That strict or literal interpretation and enforcement of the specified regulations within this section would result in practical difficulty or unnecessary hardship.

2. That the granting of the conditional use permit or minor conditional use permit will not significantly extend the expected life of the use or structure.

3. That the granting of the conditional use permit or minor conditional use permit will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 438 § 1, 2003; Ord. 190 § 1, 1987; amended during 1989 supplement; Ord. 152, 1985)

13.04.120 Enforcement and penalties.

Violations of this title are subject to all enforcement provisions in Title 1, and the Director has all authority to undertake all actions authorized in Title 1.

13.04.140 Definitions.

A. Purposes. The purpose of this section is to promote consistency and precision in application and interpretation of the development regulations on this title. The meaning and construction of words and phrases defined in this section shall apply throughout this title, except where the context and usage of such words or phrases clearly indicates a different meaning or construction intended in that particular case.

B. Definitions.

"Abutting" means having lot lines or zone boundaries in common.

"Accessory dwelling unit" means a residential dwelling unit that is detached from, attached to, or located within the living area of a primary dwelling unit that provides independent living facilities for one or more persons, and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007.

"Acreage, gross" means total land area of a parcel, or parcels, at time of applications for development.

"Acreage, net" means total land area of parcel or parcels minus land area which will be required for public dedication at time of application for development.

"Addition" means any construction, which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area.

"Agent" means any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

"Agricultural Employee Housing" means employee housing as defined by Sections 17008, 17021.5, and 17021.6 of the Health and Safety Code.

"Agriculture" means the use of land for farming, including dairy farms and grazing of large animals, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and including accessory activities but not limited to storage, harvesting, feeding, or maintenance of equipment, excluding stockyards, slaughtering or commercial food processing.

"Alley" means a public thoroughfare, not exceeding 30 feet in width for the use of pedestrians and/or vehicles, producing only a secondary means of access to the abutting property.

"Alteration" means any constructions or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.

"Ambulance services" means provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

"Amusement device" means any machine, device, or apparatus of which the operation or use is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the state of California. This definition shall not include jukeboxes, telephone devices or machines that sell merchandise.

"Animal" is defined as follows:

1. "Exotic or wild animal" means any animal not normally domesticated in the U.S. such as, but not limited to, a reptile, fox, raccoon or similar animal, including predatory or poisonous animals.

2. "Fowl" includes chickens, hens, turkeys, ducks, geese, game birds, and other animals similar in size, weight, or appearance.

3. "Household pet" means any animal customarily permitted and kept in a dwelling and kept only for the company or pleasure provided to the occupants of the dwelling, to include dogs, cats, parakeets, tropical fish, and hamsters or other similar domesticated animal.

4. "Large animal" means any equine or bovine animal, or other animal similar in size, weight, or appearance, including, but not limited to, a horse, pony, mule, donkey, cow, or ox.

5. "Small animal" means a miniature potbelly pig, a goat or lamb, or other animal similar in size, weight, or appearance.

6. "Rodent" includes rabbits and chinchillas and other animals similar in size, weight, or appearance.

"Animal care facility" means a use providing grooming, housing, medical care, or other services to animals, including veterinary services, animal hospitals, overnight or short-term boarding ancillary to veterinary care, indoor or outdoor kennels, grooming and similar services.

"Antique" means any collectible, object of art, bric-a-brac, curio, household furniture or furnishing offered for sale upon the basis, express or implied, that the value of the property, in whole or substantial part, is derived from its age or from its historical associations.

"Antique shop" means any place of business engaged in the business of buying and selling, trading or accepting for sale on consignment antiques.

"Apartment, community" means community apartment as defined in Section 4105 of the Civil Code.

"Applicant" means a person who requests in writing the approval of a lease, permit, license, certificate, or other entitlement for use from one or more public agencies.

"Application" means the form and information submitted by an applicant. The form and information is to be used to determine whether to approve or deny permits or other entitlement for use.

"Approval" means the issuance or commitment of issuance by a public agency of each lease, permit, license, certificate, or other entitlement for which an application was accepted as complete. The exact date of approval of any development project is determined by each public agency according to its rules, regulations, and ordinances, consistent with this code.

"Arcade" means any establishment containing more than five amusement devices. This definition shall not apply to businesses with amusement devices that are accessory to the principal use of the site or commercial recreational premises such as bowling alleys, billiard parlors, skating rinks or similar recreational uses, where an arcade is part of the primary use.

"Art and craft shows and exhibits (outdoor)" means the temporary outdoor sale or display of artwork or items assembled by hand allowed pursuant to Section 13.06.070(C)(2) of this title.

"Automatic controller" means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

"Automobile repair, major" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame, or fender repair and overall painting.

"Automobile repair, minor" means upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons of capacity but not including other operations named under "automobile repair major."

"Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of five or more motor vehicles which for a period exceeding 30 days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

"Basement" means a portion of a building partly or wholly underground and having more than one-half of its height below the average level of the adjoining ground.

"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollution to surface and groundwater. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In the case of municipal stormwater permits, BMPs are typically used in place of numeric effluent limits.

"Biological habitat preserve" means any area which is designated and accepted by a federal, state or local agency as a permanent or temporary sanctuary, reserve or protected area for biological species of any kind.

"Block" means the area of land bounded by streets, highways or railroad right-of-ways, except alleys.

"Boarding house" means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under one or more separate rental agreements, leases or subleases, either written or oral, whether or not an owner, agent or rental manager is in residence. For purposes of this definition, a boarding house is a business or commercial endeavor which does not constitute a single household unit as defined in this section. Boarding house shall not include a congregate care facility or a group care facility as defined in this section.

"Body piercing" means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, the piercing of a lip, tongue, nose or eyebrow. Body piercing does not include the piercing of an ear.

"Building" means any structure built for the support, shelter or enclosure of persons, animals, fowl, chattels or personal property of any kind.

"Building, completely enclosed" means a building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrances and exit doors.

"Building height" means the vertical distance, excluding foundations or understructures, between the average finished ground surface adjacent to the structure and to the highest point of the structure, excluding architectural features and appurtenances such as, but not limited to, chimneys, antennas, elevator, solar equipment structures, and similar mechanical equipment.

"Building, historic" means a building listed individually on the National Register of Historic Places, or by a state or county agency charged with the recognition or preservation of historic structures, or by resolution of the City Council as having significant local or regional historical importance and value to the community.

"Building, main" means a building within which is conducted the principal use permitted on the lot, as provided by this title.

"Building official" means the head of the building division of the City and shall include his or her deputies.

"Building site" means a lot, or contiguous lots of land in single, multiple, or joint ownership (exclusive of all rights-of-way and all easements, except open space easements, that prohibit the surface use of the property by its owner, which provides the area and open spaces required by this ordinance for construction of a building or buildings, and which abuts a public or private street or alley, or easement determined by the Director to be adequate for the purpose of access.

"Caretaker's residence" means a dwelling unit accessory to a principal use on a site and intended for occupancy on the same site, as a caretaker, security guard, servant, or similar position generally requiring residence on the site.

"Carport" means a permanent roofed structure used or intended to be used for automobile shelter and storage.

"Catering establishment" means a place for the preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. Excluded from this definition is mobile catering trucks (see "Fleet storage").

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

"Check or anti-drain valve" means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler head.

"Church" means a use located in a permanent building and providing regular or organized religious worship and religious education incidental thereto, but excluding a private educational facility. A property tax exemption obtained pursuant to the Constitution of the State of California and of the Revenue of Taxation Code of the State of California shall constitute prima facie evidence that such use is a church as defined herein.

"City" means the City of Santee.

"Club" means a nonprofit association of persons, whether incorporated or unincorporated, organized to pursue common goals, interests or activities, but not including a group organized solely or primarily to render a service customarily carried on as a business.

"Columbarium" means a sepulchral chamber with niches for holding cinerary urns.
"Commission" means the Planning Commission of the City.

"Composting" has the same meaning as that term is defined in Division 30, Part 1 of the Public Resources Code.

"Conceptual development plan" means a site plan which indicates conceptual ideas for such things as, but not limited to, building placement, circulation/access, drainage/grading, buffers, stormwater facilities, and landscaping.

"Condominiums" means condominiums as defined in Section 4125 of the Civil Code: An estate of real property consisting of an undivided interest in common areas, together with a separate right of ownership in space.

"Congregate care facility" means a residential development serving seven or more persons, whether related or unrelated, licensed by the state Department of Social Services which is comprehensively planned, designed and managed, to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by the

elderly or handicapped persons or households as defined in Health and Safety Code Sections 50067 and 50072 or successor statute. Services that are provided or made available shall relate to the medical, nutritional, social, recreational, housekeeping and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently. "Direct services" means medical care, meals, housekeeping services, transportation services and planned recreational and social activities which shall be provided to the residents directly by the management of the congregate housing. "Support services" are social services, daycare services and in-home services which the management of the congregate housing shall assist the residents in obtaining, at the residents' request.

"Contractor" means establishments or places of business primarily engaged in construction activities with only incidental storage of materials, indoors only, and incidental parking of vehicles as an accessory use to a permitted use on the same premises. Excluded are building materials yards, equipment sales/rental yards and contractors yards.

"Contractor's yard" means a use providing for the outdoor storage, sales, rental or distribution of vehicles, equipment or supplies or for the dispatching of service vehicles used in construction activities. Typical uses include building contractor's yard, heavy equipment sales or rental yard or similar use.

"Convalescent facility" means a use providing bed care and in-patient services for persons requiring regular medical attention, and persons aged or infirm unable to care for themselves, excluding surgical or emergency medical services.

"Convenience market" means a place for the retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. This definition excludes delicatessens and other specialty food shops having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat.

"Conversion" means the creation of separate ownership of existing real property together with a separate interest in space of residential, industrial, or commercial buildings thereon.

"Council" means the City Council of Santee.

"County" means the county of San Diego.

"Court" means an open, unoccupied space, other than a yard, unobstructed from ground to sky on the same lot with a building or buildings and which is bounded on two or more sides by the walls of a building.

"Crematorium" means a mortuary where corpses are cremated.

"Dairy" means any premises where milk is produced for sale or distribution and where three or more cows or goats are in lactation.

"Dance hall" means any room, place, or space, except a private residence or home, where dancing is carried on or permitted.

"Dance floor" means a defined floor area located within a business establishment designed for the purpose of dancing by patrons of the establishment.

"Day care center" means a private establishment for day time care of children where tuition, fees, or other forms of compensation for the care of the children is charged, including nursery schools, preschools and similar facilities. Excluded from this definition are small family day care homes and large family day care homes.

"Day care, family" means regularly provided care, protection and supervision of fourteen or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away.

"Day care home, large family" has the same definition as Health & Safety Code Section 1597.465 as that section may be amended from time to time. It currently means a home licensed by the state that provides family day care to nine to fourteen children, including children who reside at the home.

"Day care home, small family" has the same definition as Health & Safety Code Section 1597.44 as that section may be amended from time to time. It currently means a home licensed by the state that provides family day care to eight or fewer children, including children who reside at the home.

"Decibel" abbreviated to "dB," means a unit for describing the amplitude of sound.

"Dedication, offered" means that portion of land which is irrevocably offered to the City for future public rights-of-way which has no prospective future date for; construction to city standards, and/or notice of completion.

"Density" means the number of dwelling units per gross acre.

"Department" means the Department of Development Services.

"Design" means: (a) street alignments, grades and widths; (b) drainage and sanitary facilities and utilities, including alignments and grades thereof; (c) location and size of all required easements and rights-of-way; (d) fire roads and fire breaks; (e) lot size and configuration; (f) traffic access; (g) grading; (h) land to be dedicated for park or recreational purposes; and (i) such other specific requirements in the plan and configuration of the entire project as may be necessary or convenient to insure conformity to or implementation of the general plan or any adopted specific plan.

"Detention facilities" means publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

"Development" means any physical development including, but not limited to, residences, commercial or industrial facilities, civic buildings, hospitals, schools, airports or similar facilities.

"Development, multifamily residential" means a development where the number of dwelling units on one lot is more than one or where dwelling units are attached. Such development includes condominiums, townhomes, apartments and similar types of development.

"Development project" means new development or redevelopment with land disturbing activities, structural development, including construction or installation of a building or structure, the creation of impervious surfaces, public agency projects, and land subdivision.

"Development, single-family residential" means a development where each dwelling unit is situated on a separate lot and where each dwelling is detached. Some areas of the development may be held in common by all the residents, however, in no case is clustering of units permitted.

"Director" means the Director of Development Services of the City and includes his or her deputies.

"Distribution" means a use engaged primarily in distribution of manufactured products, supplies, and equipment, including incidental storage and sales activities, but excluding bulk storage of materials which are flammable or explosive.

"District, base" means a specifically delineated district in the City within which regulations and requirements uniformly govern the use, placement, spacing and size of land and building.

"District, dual" means when there exists two base districts on a single parcel.

"Driveway" means a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area.

"Dwelling, attached" means a dwelling unit attached to two or more dwelling units by common vertical walls.

"Dwelling, detached" means a dwelling, which is not attached to any other dwellings, by any means.

"Dwelling, multiple family" means a building designed and used as a residence for two or more families living independently of each other.

"Dwelling, semidetached" means a dwelling, which is only partially attached to one or more single-family dwellings.

"Dwelling, single-family" means a building designed and used to house not more than one family including all domestic employees of such family.

"Dwelling, single room occupancy" means a building providing single-room units for one or more persons with or without shared kitchen and bath facilities, including efficiency units per Health and Safety Code Section 17958.1.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons.

"Easement" means a grant of one or more of the property rights by the property owner for the use by the public, a corporation or another person or entity.

"Eave" means the projecting lower edges of a roof overhanging the wall of a building.

"Educational facility" means a school, offering instruction in the several branches of learning and study required to be taught by the Education Code of the state. This definition includes elementary and high schools, as well as colleges and universities.

"Effective precipitation or usable rainfall" means the portion of total precipitation that is used by the plants. Precipitation is not a reliable source of water, but can contribute to some degree towards the water needs of the landscape.

"Elevation" means:

1. A vertical distance above or below a fixed reference level.

2. A flat scale drawing of the front, rear, or side of a building or structure.

"Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the State Health and Safety Code.

"Enclosed" means a covered space fully surrounded by walls, including windows, doors, and similar openings or architectural features.

"Energy system, alternative" means application of any technology, the conservation of energy, or the use of solar, biomass, wind, geothermal, hydroelectricity under 25 megawatts, or any other source of energy, the efficient use of which will reduce the use of fossil and nuclear fuels.

"Engineer, city" means the City engineer of the City and shall include his or her deputies.

"Environmental impact report (EIR)" means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act, and may mean either a draft or a final EIR.

"Equipment sales/rental yard" means the sale, primarily retail, and/or rental from the premises of light equipment such as lawnmowers, forklifts, rototillers and similar small equipment.

"Facade" means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

"Family" means one or more individuals living together as a single household unit. The term family shall include "group care facilities, limited" for six or fewer mentally disabled,

mentally disordered or otherwise handicapped persons regardless of whether they are living together as a single household unit, but shall not include any other living group that is not living together as a single household unit.

"Farmer's market" means the outdoor display and sale of produce and other agricultural products such as, but not limited to fruits, vegetables, nuts, honey, eggs, herbs, flowers, and plants.

"Fence" means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

"Financial service" means a use providing financial services to individuals, firms, or other entities. The term financial service includes banks, savings and loan institutions, loan and lending activities and similar services.

"Fleet storage" means storage or parking of one or more vehicles used regularly in business operations where the parking of vehicles constitutes the principal use on the site. Examples of fleet storage include, but are not limited to, taxi fleets, mobile catering trucks, moving van fleets or delivery truck fleets. Excluded are sales/rentals of vehicles.

"Floor area, gross" means the sum of the gross horizontal areas of average floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking space, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

"Floor area, net" means the total of all floor areas of a building, excluding stair wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

"Frontage" means the side of a lot abutting a street, the front lot line, except the side of a corner lot.

"Garage, private" means an accessory building or an accessory portion of the main building designed and/or used for the shelter or storage of vehicles of the occupants of the main building.

"Garage, public" means a building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

"Garbage" means animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

"Glare" means the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

"Grade" means:

1. The lowest horizontal elevation of the finished surface of the ground, paving, or sidewalk at a point where height is to be measured;

2. The degree of rise or descent of a sloping surface.

"Grade, finished" means the final elevation of the ground surface after development.

"Grade, natural" means the elevation of the ground surface in its natural state, before man-made alterations.

"Grading" means any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

"Grading, contour" means a grading concept designed to result in earthforms and contours which resemble natural terrain characteristics, with generally curving, nonlinear slope banks having variations in the slope ratios of the horizontal and vertical curves.

"Greenbelt" means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

"Group care facility, general" means shared living quarters (without separate kitchen or bathroom facilities for each room or unit) for seven or more persons with physical or mental impairments that substantially limit one or more of such person's major life activities when such persons are not living together as a single household unit. This classification includes but is not limited to, group homes, sober living environments, recovery facilities, and establishments providing nonmedical care for persons in need of personal services, supervision, protection or assistance essential for sustaining the activities of daily living facility, including resident services for persons handicapped or disabled, undergoing rehabilitation, or otherwise in need of care and supervision. This definition shall not include state-licensed residential care facilities, as that term is defined in this section, whether accessory or nonaccessory, emergency shelters, transitional housing, lodging units or boardinghouses.

"Group care facility, limited" means shared living quarters (without separate kitchen and bathroom facilities for each room or unit) for six or fewer persons with physical or mental impairments that substantially limit one or more of such person's major life activities. This classification also includes, but is not limited to, group homes, sober living environments, recovery facilities, and establishments providing nonmedical care for persons in need of personal services, supervision, protection or assistance essential for sustaining the activities of daily living, but shall not include state-licensed residential care facilities, as that term is defined in this section, whether accessory or nonaccessory, emergency shelters, transitional housing, lodging units or boardinghouses.

"Guest room" means a room which is designed and/or used by one or more guests for sleeping purposes, but in which no provisions are made for cooking.

"Hazardous waste treatment facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for handling, treating, storing or disposing of hazardous waste. Does not include household hazardous waste collection facilities.

"Height" means the vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

"Heliport" means pads and facilities enabling takeoffs and landings by helicopter.

"Hertz" means a unit of measurement of frequency, numerically equal to cycles per second.

"Home improvement center" means a retail service engaged in providing retail sale, rental, service, or related repair and installation of home improvement products, including building materials, paint and wallpaper, carpeting and floor covering, decorating, heating, air conditioning, electrical, plumbing, and mechanical equipment, roofing supplies, yard and garden supplies, home appliances and similar home improvement products.

"Home occupation" means any occupation or profession conducted or carried on entirely within a dwelling by the occupants thereof which is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof and does not adversely affect other uses in the zone of which it is a part. Home occupations shall be evaluated in accordance with the provisions and criterion contained in Section 13.06.060 of this title.

"Homeowners association" means a private organization composed of residents within a project who own in common certain property and shall be responsible for the maintenance and management of certain commonly owned property.

"Hospital" means a facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees or visitors.

"Hotel" means any structure, or portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, including any hotel, inn, tourist home or house, motel, studio hotel, lodging house, rooming house, apartment house, dormitory, mobile home, motor home, travel trailer or house trailer at a fixed location, or other similar structure or portion thereof.

Household Pet. See "Animal."

"Impermeable surface" means a surface that cannot be penetrated by water and includes, but is not limited to, impervious materials such as concrete or asphalt.

"Improvement" means any item which becomes part of, placed, upon, or is affixed to real estate.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time in inches per hour.

"Junk" means any combustible or noncombustible nonputrescible waste, including, but not limited to trash, refuse, paper, glass, cans, bottles, rags, fabrics, bedding, ashes, trimmings from lawns, shrubbery or trees, except when used for mulch or like agricultural purposes, household refuse other than garbage, lumber, metal, plumbing fixtures, bricks, building stones, plaster, wire or like materials from the demolition, alteration or construction of buildings or structures, tires or inner tubes, auto aircraft or boat parts, plastic or metal parts or scraps, damaged or defective machinery, whether or not repairable, and damaged or defective toys, recreational equipment or household appliances or furnishings, whether or not repairable.

"Junkyard" means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

"Kennel" means a facility, whether or not operated for profit, that keeps or maintains five or more dogs, cats, or other domesticated animals at least four months old. It includes a facility owned or operated by an animal welfare agency, but does not include an animal shelter operated or established by the City, an agency contracted by the City to provide animal control services, or to a veterinary hospital operated by a veterinarian licensed by the state. A kennel also includes a facility with the requisite five dogs that also keeps or maintains other animals. As used in this definition a "facility" means any combination of adjacent buildings, structures, enclosures or lots under common ownership or operated as one unit, to keep or maintain dogs or cats.

"Kitchen" means any room, all or any part of which is designed and/or used for cooking and the preparation of food.

"Landscaping" means an area devoted to or developed and maintained predominately with native or exotic plant materials including lawn, ground cover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surface (excluding driveways, parking, loading, or storage areas, and sculptural elements.

"Landscaping, drought tolerant" means plant materials whose water requirements are well suited to the climate of the region and which require minimal water once they are established.

"Land use" means a description of how land (real estate) is occupied or utilized.

"Large collection facility" means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public which may occupy an area of more than 500 square feet and may include permanent structures. This definition does not include solid waste recycling conducted in conjunction with a solid waste transfer facility.

"Liquor store" means any store designed and operated for the selling of alcoholic beverages with the selling of any other merchandise being accessory to the primary operation of selling liquor.

"Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

"Lodging unit" means a room or group of rooms used or intended for use by overnight occupants as a single unit, whether on a transient or residential occupancy basis, located in a motel or dwelling unit providing lodging, whether or not meals are provided to such persons. Where designed or used for occupancy by more than two persons, each two persons capacity shall be deemed a separate lodging unit. For the purpose of determining residential density, each two lodging units shall be considered the equivalent of one dwelling unit.

"Lot" means any parcel of real property approved by a record of survey, plat, parcel map, subdivision map, or certificate of compliance, or any parcel legally created or established pursuant to the applicable zoning or subdivision regulations in effect prior to the effective date of application of this code to such parcel.

"Lot, corner" means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

"Lot coverage" means the amount (typically expressed in a percentage) of the area of a lot covered by buildings and, in certain circumstances, pavement, which is unavailable for landscaping, outside recreation and open space. Lot coverage calculations do not include open carports, porches, open patio covers, or other similar open structures.

"Lot, cul-de-sac" means a lot located on the turning end of a dead-end street.

"Lot, depth" means the horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

"Lot, flag" means a lot having access to a street by means of a private driveway, access easement, or parcel of land not meeting the requirements of this code for lot width. (See Diagram 13.04.140I.)

"Lot, interior" means a lot other than a corner lot.

"Lot, key" means the first interior lot to the rear of a reversed corner lot, the front line of which is a continuation of the side line of the reversed corner lot, exclusive of the width of an alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

"Lot, reversed corner" means a corner lot having a side lot line which is substantially a continuation of the front lot line of a lot to its rear.

"Lot, substandard" means any lot which does not meet the minimum dimensions; the area of any easement which restricts the normal usage of the lot may be excluded.

"Lot, through" means a lot other than a corner lot abutting more than one street.

"Lot line" means a line bounding a lot.

"Lot line, front" means a lot line paralleling the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by a subdivision or parcel map.

"Lot line, rear" means a lot line, not intersecting a front lot line, which is most distant from and most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, a line within the lot having a length of ten feet, parallel to and most distant from the front lot line shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this ordinance.

"Lot line, side" means a lot line not a front or rear lot line.

"Lot line, street" means a lot line abutting a street.

"Lot width" means the horizontal distance between side lot lines, measured at the front setback line.

"Lounge, cocktail" means a use providing preparation and retail sale of alcoholic beverages, on a licensed "on sale" basis, for consumption on the premises, including taverns, bars, and similar uses.

"Low impact development (LID)" means a stormwater management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.

"Manufacturing" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packing of such products, the incidental processing of extracted or raw materials, processes utilizing flammable or explosive materials (i.e., materials which ignite easily under normal manufacturing conditions), and processes which create hazardous or commonly recognized offensive conditions.

"Map act" means the Subdivision Map Act of the state.

"Map, contour" means a map that displays land elevations in graphic form.

"Mausoleum" means a large tomb, usually above ground.

"Maximum Extent Practicable (MEP)." As used in Titles 9 and 13 of the Santee Municipal Code, MEP means implementation of all Best Management Practices (BMPs) that are technically feasible (i.e., are likely to be effective), are not cost prohibitive, and adequately

reduce pollutant discharges from the MS4. MEP will generally require a combination of source control and treatment control BMPs that emphasizes pollution prevention and source control BMPs as the first line of defense, and utilizes treatment control BMPs as a second line of defense.

"Medical office" means a use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans licensed for such practice by the state.

"Merger" means the joining of two or more contiguous parcels of land under one ownership into one parcel.

"Micro-brewery" means a small-scale brewery operation that produces less than 15,000 barrels of beer per year, with on-site and/or off-site consumption, and with or without a pub or restaurant, as licensed by the California Department of Alcoholic Beverage Control.

"Mobilehome" means a moveable or transportable vehicle having no foundation other than jacks, piers, wheels, or skirting, designed as a permanent structure intended for occupancy and designed for subsequent or repeated relocation.

"Mobilehome park" means a residential facility arranged or equipped for the accommodation of two or more mobilehomes, with spaces for such mobilehomes available for rent, lease, or purchase, and providing utility services and other facilities either separately or in common to mobile home space therein.

"Mobilehome space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

"Mortuary" means a place where dead bodies are kept for burial or cremation and excludes crematoriums.

"Motel" means a commercial facility containing lodging units and dwelling units intended primarily for temporary occupancy, with not more than ten percent of the units having kitchen facilities and meeting the definition of a dwelling unit. The term "motel" shall include a hotel, motor hotel, tourist court, or similar use, but shall not include a mobilehome park.

"Mulch" means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface to reduce evapotranspiration.

"Neighborhood center" means a shopping center which clusters essential retail goods and services to residents in the immediate vicinity of the center.

"Nightclub" means a place of entertainment, other than adult related, with or without accessory food and/or liquor sales, having a floor show and/or providing music and space for dancing. This definition shall also include dance halls.

"Nightclub, teenage" means a place, premises or establishment where entertainment, music and dancing, other than adult related, are available to persons between the ages of seventeen and twenty-one years of age in a supervised nightclub setting and includes the provision of food or nonalcoholic beverages as an accessory use.

"Noise" means any undesirable audible sound.

"Noise, ambient" means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

"Noise, basic level" means the acceptable noise level within a given district.

"Noise, impulsive" means a noise characterized by brief excursions of sound pressures whose peak levels are very much greater than the ambient noise level, such as might be produced by the impact of a pile driver, punch press or drop hammer, typically with one second or less duration.

"Noise, intrusive" means that alleged offensive noise which intrudes over and above the existing ambient noise at the receptor property.

"Noise, mobile source" means any noise source other than a fixed noise source.

"Noise, simple tone" or A pure tone noise means a noise characterized by the presence of a predominant frequency or frequencies such as might be produced by whistle or hum.

"Noise, zone" means any defined area or region of a generally consistent land use.

"Nonconforming" means a building, structure or portion thereof, or use of a building or land which does not conform to the regulations of this code and which lawfully existed at the time the regulations became effective through adoption, revision or amendment.

"Nonconforming lot" means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements of the district.

"Nonconforming structure or building" means a structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this code, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the district.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of this code, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the district.

"Nursery, landscape" means a retail service providing propagation and sale of plants, shrubs, trees, and similar products, related materials and services associated with installation,

maintenance, and improvements of yards, gardens, landscaped areas, outdoor living and recreation areas, and similar facilities.

"Office professional" means a use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar facilities.

"Open space, common" means open space within a project owned, designed, and set aside for use by all occupants of the project or by occupants of a designated portion of the project. Common open space is not dedicated to the public and is owned and maintained by a private organization made up of the open space users. Common open space includes common recreation facilities, open landscaped areas, and greenbelts, but excludes pavement or driveway areas, or parkway landscaping within public right-of-way.

"Open space, private" means that open space directly adjoining the units or building, which is intended for the private enjoyment of the occupants of the unit or building. Private open space shall in some manner be defined such that its boundaries are evident. Private open space includes private patios or balconies, and front, rear, or side yards on a lot designed for single family detached or attached housing.

"Open space, usable" means outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility or service areas.

"Outdoor recreation facility" means recreation in which the activity is principally conducted outdoors. This term includes golf courses, race tracks, archery ranges, outdoor concert and performance entertainment, and similar uses. This does not include pools and recreation areas that are accessory to other permitted principal uses.

"Overhang" means:

1. The part of a roof or wall which extends beyond the facade of a lower wall;

2. The portion of a vehicle extending beyond the wheel stops or curb.

"Overlay district" means a district established by this title, which may be applied to a lot or portion thereof only in combination with a base district.

"Overspray" means the water, which is delivered beyond the landscaped area, wetting pavements, walks, structures or other nonlandscaped areas.

"Pad, building" means that area of a lot graded relatively flat, or to a minimum slope, for the purpose of accommodating a building and related outdoor space.

"Parapet" means the extension of the main walls of a building above the roof level.

"Parcel" means a lot or tract of land.

"Park and recreation facilities" means noncommercial parks, playgrounds, recreation facilities, and open spaces.

"Parking area" means any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

"Parking area, private" means a parking area for the private use of the owners or occupants of the lot on which the parking area is located.

"Parking area, public" means a parking area available to the public, with or without compensation, or used to accommodate clients, customers or employees.

"Parking lot" means an off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

"Parking space" means a space for the parking of a motor vehicle within a public or private parking area.

"Pawnshop" means any place engaged in the business of loaning money to any person, upon any personal property, personal security or purchasing personal property and reselling or agreeing to resell such articles to the vendor or other assignees at prices previously agreed upon.

"Performance standards" means a set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

"Perimeter" means the boundaries or borders of a lot, tract, or parcel of land.

"Permeable surface" means a surface that can be penetrated by water and includes, but is not limited to, pervious concrete, porous asphalt, unit pavers, granular materials, landscaping, or other similar material approved by the Director.

"Permit" means written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

"Permitted use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

"Phase" means any contiguous part or portion of a project which is developed as a unit in the same time period.

"Plan, general" means the general plan of the City of Santee, including all maps, reports, and related plan elements adopted by the City Council.

"Planned residential development" means planned development as defined in Chapter 1, Part 5, Division 4 of the Civil Code.

"Pony" means a horse measuring fourteen hands two inches or less at the withers.

"Pre-district" means the act of designating, in advance of annexation, the district to be applicable to a site upon subsequent annexation of that site to the City.

"Pre-fabricated structure" means any previously manufactured structure inspected and approved by the California State Housing and Community Development Department. Said structures must have a state identification tag, which specifies date of inspection and occupant load.

"Priority development project" means new development and significant redevelopment project categories listed in Section 13.42.030 of this code.

"Project" means the total development within the boundaries as defined on the development plan.

"Public buildings and facilities" means any building, office, site or other development operated by and under the control of any public agency, public utility, or special district.

"Quarry" means a place where rock, ore, stone and similar materials are excavated for sale or for off-tract use.

"Queue line" means an area for temporary parking and lining of motor vehicles while waiting a service or other activity.

"Reclaimed water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation as determined by the Padre Dam Municipal Water District. Not intended for human consumption.

"Recreation, commercial" means a use providing facilities for recreation; including indoor recreation uses such as theaters, bowling alleys, billiard parlors, skating arenas, and similar services, and outdoor uses such as golf, tennis, basketball, baseball, and similar services, operated on a private or for-profit basis, but excluding arcades.

"Recycling" means the process by which waste products are reduced to raw materials and transformed into new and often different products, including automobile recycling.

"Religious institution" means a seminary, retreat, monastery, conference center, or similar use for the conduct of religious activities, including accessory housing incidental thereto, but excluding a private educational facility.

"Repair" means the reconstruction or renewal of any park of an existing building for the purpose of its maintenance.

"Research and development" means a use engaged in study, testing, design, analysis, and experimental development of products, processes, or services, including incidental manufacturing of products or provision of services to others.

"Residential care facility, accessory" means twenty-four hour nonmedical care of six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the state of California.

"Residential care facility, non-accessory" means twenty-four hour nonmedical care for seven or more persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.

"Restaurant" means a use providing preparation and retail sale of food and beverages, including sandwich shops, ice cream parlors, and similar uses.

"Right-of-way" means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

"Room, recreation" means a single room in a main building or in an accessory building designed and/or used exclusively for recreational purposes by the occupants or guests of the premises.

"Rubbish" means all nonreusable waste or debris such as paper, cardboard, grass, tree or shrub trimmings, rugs, straw, clothing, wood or wood products, crockery, glass, rubber, metal, plastic, construction waste and debris, and other similar materials.

"Run off" means water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

"Run with the land" means a covenant restriction to the use of land contained in a deed and binding on the present and all future owners of the property.

"San Diego County Municipal Storm Water Permit" means the current permit for operation of the City's municipal separate storm sewer system issued by the San Diego Regional Water Quality Control Board.

"School, business or trade" means a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, educational facility, or commercial school.

"School, commercial" means a use providing facilities for instructional services in photography, fine arts, crafts, gymnastics, karate, dance, music, tutoring or other similar activity.

"Screened" means shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or subject to screening, by a fence, wall, hedge, berm, or similar architectural or landscape feature.

"Secondhand store or thrift shop" means any place engaged in the business of buying and selling, trading or accepting for sale on consignment secondhand property.

"Secondhand property" means personal property of which prior use has been made, including antiques.

"Service, automotive" means a use engaged in sale, rental, service, or major repair of new or used automobiles, trucks, trailers, boats, motorcycles, mopeds, recreational vehicles, or other similar vehicles, including tire recapping, painting, body and fender repair, and engine, transmission, air conditioning, and glass repair and replacement, and similar services.

"Service station" means an establishment offering the sale of gasoline, oil, minor automotive accessories, and minor repair services for the operation of motor vehicles, but not including painting, body work, steam cleaning, or major repairs.

"Service, takeout" means a feature or characteristic of eating and drinking services which encourage or allow, on a regular basis, consumption of food and beverages outside of a building, such as in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises, or off the site.

"Setback" means a required, specified distance between a building or structure and a lot line or lines.

"Setback line" means a line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

"Shopping center" means a group of commercial establishments, which includes ten or more tenant spaces, planned, developed, owned, or managed as a unit, with off-street parking provided on the site.

"Single household unit" means an interactive group of persons jointly occupying a single dwelling unit including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses. A boarding house is not a single household unit unless the Director determines that sufficient evidence has been provided that the boarding house meets the definition of a single household unit set forth herein. For purposes of the definition of "Group care facilities, limited," a single household unit's members shall also be a nontransient group.

"Site area" means the net horizontal area included within the boundary lines of a site, not including the area within the established right-of-way of a public street, future public street, or railroad, or any other area dedicated or to be dedicated for a public use.

"Site plan" means a plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.

"Slope" means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

"Small collection facility" means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public which does not exceed 500 square feet in area and can include: mobile units, bulk reverse vending machines and unattended containers placed for the donation of recyclable materials.

"Solar access" means a property owners' right to have sunlight shine on his or her property. "Sprinkler head" means a device, which sprays water through a nozzle.

"Stable, commercial" means a stable for horses, mules or ponies, which are rented, used or boarded on a commercial basis far compensation.

"Stable, private" means an accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not rented, used or boarded on a commercial basis for compensation.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of any floor next above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

"Story, half" means a story with at least two of its opposite sides meeting a sloping roof, not more than two feet above the floor of such story.

"Street" means any public or private thoroughfare with a width of 20 feet or more, which affords a primary means of access to abutting property.

"Street line" means the boundary line between a street and abutting property.

"Street, peripheral" means an existing street whose right-of-way is contiguous to the exterior boundary of the subdivision.

"Street, private" means a street in private ownership, not dedicated as public street, which provides the principal means of vehicular access to a property and not to be construed to mean driveways, alleys, or parking areas.

"Street, public" means a street owned and maintained by the City, the county, or the state. The term includes streets offered for dedication which have been improved, or for which a bonded improvement agreement is in effect.

"Structural alterations" means any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams or girders.

"Structure, attached residential accessory" means a subordinate, non-habitable structure that is incidental and attached to the main dwelling on the same lot. Attached residential accessory structures would include, but not be limited to, garages, carports, unenclosed covered patios, pergolas, workshops, and storage structures.

"Structure, auxiliary" means a subordinate building or structure which is incidental and not attached to the main building or use on the same lot. If an auxiliary building is attached to the main building or if the roof is a continuation of the main building roof, the auxiliary building shall be considered an addition to the main building.

"Structure, detached residential accessory" means a subordinate, non-habitable structure that is incidental and not attached to the main dwelling on the same lot. Detached residential accessory structures would include, but not be limited to, garages, carports, unenclosed covered patios, pergolas, workshops, sheds, gazebos, cabanas, and storage structures.

"Structure, habitable" means a structure for living, sleeping, and/or cooking.

"Structure, non-habitable" means a structure not for living, sleeping, and/or cooking. Non-habitable structures would include, but not be limited to, garages, carports, unenclosed covered patios, pergolas, workshops, sheds, gazebos, cabanas, and storage structures.

"Structure, temporary" means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

"Subdivider" means a person, firm, corporation, partnership, or associate who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others; except that employees and consultants of such persons or entities, acting in such capacity, are not "Subdividers."

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

"Subdivision, custom lot" means a subdivision which creates parcels to be sold in an undeveloped state to individual owners for development of not more than four units per owner.

"Subdivision, tract" means a subdivision which creates five or more parcels to be developed as a whole by an owner or builder.

"Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the State Health and Safety Code.

"Tattoo parlor" means any place of business that engages in tattooing persons by any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

"Tobacco paraphernalia business" means an establishment that devotes more than a two foot by four foot (two feet in depth maximum) section of shelf space for equipment, products, and materials of any kind (excluding lighters and matches) which are intended or designed for the use of or with tobacco, and includes, but is not limited, to the following:

1. Kits intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of tobacco plant.

2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing tobacco.

3. Isomerization devices intended for use or designed for use in increasing the potency of any species of tobacco plant.

4. Testing equipment intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of tobacco.

5. Scales and balances intended for use or designed for use in weighing or measuring tobacco.

6. Separation gins and sifters intended for use or designed for use in removing twigs, stems, seeds, or other foreign material form, or in otherwise cleaning or refining, tobacco.

7. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in compounding tobacco substances or substances containing tobacco.

8. Envelopes, pouches, capsules, balloons, and other containers intended for use or designed for use in packaging small quantities of tobacco.

9. Containers and other objects intended for use or designed for use in storing or concealing tobacco.

10. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing tobacco into the human body, such as the following:

11. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls.

12. Water pipes.

13. Carburetion tubes and devices.

14. Smoking and carburetion masks.

15. Clips or other devices intended to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand.

16. Chamber pipes.

17. Carburetor pipes.

18. Electric pipes.

19. Air-driven pipes.

20. Chillums.

21. Bongs.

22. Ice pipes or chillers.

Nothing in the definition of tobacco paraphernalia business is intended to nor shall be interpreted as legalizing or applying to any use otherwise prohibited by state or federal law, including, without limitation, California Penal Code Section 308 and Health and Safety Code Sections 11014.5, 11364, 11364.5 and 11364.7.

"Tot lot" means an improved and equipped play area for small children usually up to elementary school age.

"Townhouse" means a building subdivided into individual units such that each owner owns the structure and the land upon which the unit is located, plus a common interest in the land upon which the building is located.

"Transitional area" means an area which acts as a buffer between two land uses of different intensity.

"Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the State Health and Safety Code.

"Travel trailer" means a vehicle which is designed or used for human habitation and for travel or recreational purposes which does not at any time exceed eight feet in width and 40 feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both without violating any provisions of the California Vehicle Code.

"Truck terminal" means a lot, lot area or parcel of land used, designed or maintained for the purpose of storing, parking, refueling, repairing, dispatching, servicing or keeping motor trucks and associated equipment together with those facilities necessary to service, dispatch, store or maintain the aforementioned vehicles, their cargoes and crews.

"Turf" means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue and tall fescue are cool season grasses. Bermuda grass, Kikuyugrass, seashore paspalum, St. Augustine grass, zoysiagrass and buffalo grass are warm season grasses.

"University" or "college" means an educational institution of higher learning which offers general academic instruction as determined by the State Board of Education.

"Use" means the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

"Use, accessory" means a use which is incidental to, and customarily associated with, a specified principal use, and which meets the applicable conditions set forth in this title.

"Use, change of" means the replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, name, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

"Use, conditional" means a use, listed by the regulations of any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis, subject to a conditional use permit or minor conditional use permit, and to all other regulations established by this code.

"Use, discontinued" means to cease or discontinue a use or activity, excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility.

"Use, drive-in" means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in the motor vehicles.

"Use, permitted" means a use listed by the regulation of any particular district as a permitted use within that district, and permitted therein as a matter of right when conducted in accord with the regulations established by this title.

"Use, principal" means a use which fulfills a primary function of household, establishment, institution, or other entity.

"Use, single-family" means the use of a site for only one dwelling unit.

"Use, temporary" means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

"Use, transitional" means a land use of an intermediate intensity between a more intensive and less intensive use.

"Value" or "valuation" means the estimated cost to replace a structure in kind, based on current replacement costs.

"Valve" means a device used to control the flow of water in the irrigation system.

"Variance" means permission to depart from the literal development requirements of the zoning ordinance.

"Vehicle" means a self-propelled device by which persons or property may be moved upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

"Vehicle, recreational" means a vehicle towed or self-propelled an its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include but shall not be

limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

"Vehicle storage/impound facility" means any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.

"Wall, front" means the nearest wall of a building or other structure to the street upon which the building faces, but excluding cornices, canopies, eaves or any other architectural embellishments.

"Warehousing" means the use of a building or buildings primarily for the storage of goods of any type, but excluding bulk storage of materials which are flammable or explosive or which create hazardous or commonly recognized offensive conditions.

"Wholesaling" means the use engaged primarily in the selling of any type of goods for purpose of resale, including incidental storage and distribution.

"Yard" means an open space that lies between the principal or accessory building or buildings and the nearest lot line.

"Yard, corner side" means a side yard which faces a public street on a corner lot and extends from the front yard to the rear yard.

"Yard, front" means a yard extending the full width of the lot between the front lot line and a line parallel thereto and passing through the nearest point of the building; provided that, if a future street right-of-way has been established, such measurement shall be from the future street right-of-way line.

"Yard, rear" means a yard extending the full width of the lot between the rear lot line and a line parallel thereto. For through lots, if a future street right-of-way has been established, such measurement shall be from the future street right-of-way line.

"Yard, side" means a yard between the side lot line and a line parallel thereto and extending from the front yard to the rear yard.

"Zero lot line" means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

"Zoning administrator" means the Director of the City and shall include his or her deputies. (Ord. 553 § 3, 2018; Ord. 546 § 3, 2017; Ord. 517 § 1, 2013; Ord. 495 § 1, 2010; Ord. 478 § 1, 2008; Ord. 469 §§ 1—4, 2007; Ord. 438 § 1, 2003; Ord. 434 § 2, 2003; Ord. 432 § 3, 2003; Ord. 431 § 3, 2003; Ord. 420 Exh. A, 2002; Ord. 401 § 2, 2001; Ord. 378 §§ 2, 3, 1998; Ord. 364 § 2, 1997; Ord. 295 § 2, 1993; Ord. 289 § 2 1992; Ord. 284 § 2, 1992; Ord. 281 § 3, 1992; Ord. 273, 1991; Ord. 265, 1991; Ord. 250, 1990; Ord. 227, 1989; Ord. 212, 1988; Ord. 210 § 1, 1988; Ord. 207 § 1, 1988; Ord. 201, 1988; Ord. 152, 1985)

EXHIBIT 2

CHAPTER 13.06 PERMITS

13.06.010 Purposes and general plan consistency.

This chapter contains the procedures and regulatory provisions necessary to administer this code in order to provide for land use consistency with the general plan, regulate uses which have the potential to adversely affect surrounding properties, promote a visually attractive community, and provide flexibility in standards and requirements when special circumstances exist. (Ord. 152, 1985)

13.06.020 Permit applications—Complete.

Any application for a permit or entitlement pursuant to this code, must be accepted as complete for processing by the Director in order to initiate the official review process. All required materials, information and fees as required by the Director shall be provided by the applicant before the application is complete for processing. (Ord. 152, 1985)

13.06.030 Conditional use permits and minor conditional use permits.

A. Purpose and Intent. The purpose of these regulations is to create flexibility necessary to achieve the objectives of the zoning ordinance and general plan. Selected uses in each district are allowed only subject to the granting of a conditional use permit or a minor conditional use permit, because of their unique site development requirements and operating characteristics, which require special consideration in order to operate in a man-ner compatible with surrounding uses. The conditional use permit and minor conditional use permit processes are intended to afford an opportunity for broad public review and evaluation of these requirements and characteristics, to provide adequate mitigation of any potentially adverse impacts, and to ensure that all site development regulations and performance standards are provided in accordance with the zoning ordinance.

B. Authority. The Planning Commission is authorized to grant conditional use permits and the Director is authorized to grant minor conditional use permits to achieve these purposes as prescribed in accordance with the procedures in this section and impose reasonable conditions. Conditions may include, but shall not be limited to, requirements for setbacks, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping, erosion control measures, and other improvements; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; requirements for periodic review by the Planning Commission for conditional use permits, or the Director for minor conditional use permits, and such other conditions as the Planning Commission or the Director, as appropriate may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Planning Commission or the Director, as appropriate to make the findings required by Subsection E of this section.

C. Application. An application for a conditional use permit or minor conditional use permit shall be filed with the department in a manner prescribed by the Director.

D. Public Hearing. The Planning Commission shall hold a public hearing on each application for a conditional use permit and the Director shall hold a public hearing on each application for a minor conditional use permit, unless the Director determines that review of the minor conditional use permit by the Planning Commission is warranted. The hearings shall be set and notice given as prescribed in Section 13.04.100.

E. Findings. Before approving a conditional use permit or minor conditional use permit, the Planning Commission or the Director, as appropriate, shall make certain findings that the circumstances prescribed below do apply. If the conditional use permit is for the purpose of permitting an expansion or restoration of a nonconforming use or structure, then only the findings in Section 13.04.110(F) must be made.

1. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located.

2. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

3. That the proposed use complies with each of the applicable provisions of the zoning ordinance.

4. Regarding all properties designated as general commercial, neighborhood commercial or office professional: Development and redevelopment shall be comprehensively designed, entitled and developed whenever it is determined by the City that the permitting of incremental construction and uses may significantly inhibit or otherwise be detrimental to fulfilling the economic and development potential of the site. Any development review permit, conditional use permit or minor conditional use permit which is not consistent with this policy shall be denied.

F. Preexisting Conditional Use Permits.

1. A use legally established prior to the effective date of this code or prior to the effective date of subsequent amendments to the regulations or district boundaries which did not previously receive a conditional use permit or minor conditional use permit shall be deemed a preexisting conditional use. Such uses may continue in accordance with Section 13.04.110, and provided that the use is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any.

2. Alteration, expansion, or reconstruction of a building housing a preexisting conditional use shall comply with Section 13.04.110 regulating nonconforming uses, until such time that a conditional use permit or minor conditional use permit is granted as provided in this section.

G. Revisions or Modifications. Revisions or modifications to conditional use permits or minor conditional use permits can be requested by the applicant. Further, the Planning Commission may periodically review, modify or revoke a conditional use permit and the Director may periodically review, modify or revoke a minor conditional use permit.

1. Revisions or Modifications by Applicant. A revision or modification to an approved conditional use permit or minor conditional use permit such as, but not limited to, change in conditions of approval, expansions, intensification, location, hours of operation, may be requested by an applicant. Such request shall be processed as described in subsections C through E of this section unless, in the Director's opinion, the request could be processed as a minor revision pursuant to Section 13.04.060. The applicant shall supply necessary information as determined by the City, to indicate reasons for the requested change.

2. Review by Planning Commission or Director. The Planning Commission may periodically review any conditional use permit and the Director may periodically review any minor conditional use permit to ensure that it is being operated in a manner consistent with conditions of approval or in a manner which is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the Planning Commission or the Director deems that there is sufficient evidence to warrant a full examination, then a public hearing date shall be set.

3. Modification or Revocation by the Planning Commission or the Director.

    (a) After setting a date for public hearing as described in Subsection (D) of this section, the Director shall notify the applicant and owners of the conditional use permit or minor conditional use permit in question. Such notice shall be sent by certified mail and shall state that the Planning Commission will review the conditional use permits for possible modification or revocation, or the Director will review minor conditional use permits for possible modification or revocation. It shall also state the date, time and place of hearing.

The public hearing shall be conducted and notice given in accordance with Section 13.04.100.

    (b) Upon conclusion of the public hearing, the Planning Commission or the Director, as appropriate, shall render a decision to do one of the following measures:

        (i) Find that the conditional use permit or minor conditional use permit is being conducted in an appropriate manner and that no action to modify or revoke is necessary; or

        (ii) Find that the conditional use permit or minor conditional use permit is not being conducted in an appropriate manner and that modifications to conditions are necessary; or

(iii) Find that the conditional use permit or minor conditional use permit is not being conducted in an appropriate manner and that modifications are not available to mitigate the impacts and therefore revoke the permit which requires the operation to cease and desist in the time allotted by the Planning Commission or the Director.

(c) If the Planning Commission or the Director either modifies or revokes a conditional use permit, or minor conditional use permit, then the reasons for such action shall be stated within the resolution. (Ord. 451 § 2, 2005; Ord. 420 Exh. B, 2002; Ord. 190 § 1, 1987; Ord. 152, 1985)

13.06.040 Variances.

A. Purpose and Intent. The purpose of this section is to provide flexibility from the strict application of development standards when special circumstances pertaining to the property such as size, shape, topography, or location deprives such property of privileges enjoyed by other property in the vicinity and in the same district, consistent with the objectives of the development code. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

B. Authority.

1. The Director is authorized to grant variances to achieve these purposes as prescribed in accordance with the procedure in this section, with respect to development standards such as, but not limited to, fences, walls, hedges, screening, and landscaping; site area, width, and depth; setbacks; lot coverage; height of structures; usable open space; performance standards; and on-street and off-street parking and loading facilities and impose reasonable conditions. Conditions may include, but shall not be limited to, requirements for setbacks, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures and other improvements, requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; requirements for periodical review by the Director; and such other conditions as the Director may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Director to make the findings required by Section 13.06.040(E).

2. The power to grant variances does not extend to use regulations. Flexibility to the use regulations is provided pursuant to Sections 13.06.030 and 13.04.040.

3. Variances may be granted in conjunction with conditional use permits and development review permits subject to Subsection E of this section. Such variances do not require a separate application or a separate public hearing.

C. Application. An application for a variance shall be filed with the Department in a form prescribed by the Director.

D. Public Hearing. The Director shall hold a public hearing on each application for a variance. The hearing shall be set and notice given as prescribed in Section 13.04.100.

E. Findings.

1. Before granting a variance, the Director shall make the following findings that the circumstances prescribed below do apply:

(a) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of this code;

(b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zoning district;

(c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district;

(d) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same district, and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2. Parking. The Director may grant a variance in order that some or all of the required parking spaces be located off-site, including locations in other local jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking spaces, if both the following conditions are met:

(a) The variance will be an incentive to, and a benefit for, the nonresidential development;

(b) The variance will facilitate access to nonresidential development by patrons of public transit facilities, particularly guideway facilities. (Amended during 1989 supplement; Ord. 152, 1985)

13.06.050 Minor exception.

A. Purpose and Intent. In order to provide flexibility necessary to achieve the objectives of the development code, selected site development regulations and applicable off-street parking requirements are subject to administrative review and adjustment in those circumstances where such adjustment will be compatible with adjoining uses or necessary to provide reasonable accommodation for persons with disabilities, and consistent with state or federal law, and consistent with the goals and objectives of the general plan and the intent of the code.

B. Authority. To achieve these purposes, the Director is authorized to grant a minor exception for the following reasons in accordance with the procedures in this section and to impose reasonable conditions. Conditions may include, but shall not be limited to, requirements for setbacks, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures and other improvements; regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; requirements for periodical review by the Director; and such other conditions as the Director may deem necessary to ensure compatibility with surrounding uses, to preserve the public health, safety, and welfare, and to enable the Director to make the findings required by Section 13.06.050(E).

1. Fence Height. In any district the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum two feet, where the topography of sloping sites or a difference in grade between adjoining sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, as generally provided by such fence, wall, hedge or screening in similar circumstances.

2. Setbacks. In any residential district, the Director may decrease the minimum setback by not more than 25% where the proposed setback area or yard is in character with the surrounding neighborhood and is not required as an essential open space or recreational amenity to the use of the site, and where such decrease will not unreasonably affect abutting sites.

3. Lot Coverage. In any residential district, the Director may increase the maximum lot coverage by not more than ten percent of the lot area, where such increases are necessary for significantly improved site planning or architectural design, creation or maintenance of views, or otherwise facilitate highly desirable features or amenities, and where such increase will not unreasonably affect abutting sites.

4. Off-site Parking. The Director may authorize a maximum 25% of the required parking for a use to be located on a site not more than 300 feet from the site of the use for which such parking is required, where in the Director’s judgment off-site parking will serve the use equally as effectively and conveniently as providing such parking on the same site as the use for which it is required. The Director may require conditions as deemed necessary to ensure utility, availability, and maintenance of such joint use of off-site facilities.

5. On-Site Parking.

(a) The Director may authorize a maximum 25% reduction in the required on-site parking requirements when it is proven that it will not result in a traffic hazard or impact the necessary parking for the use.

(b) The Director may approve pre-existing, reduced sized garage parking areas in single-family zones when the following conditions are met:

(i) a 20-foot wide by 20-foot long driveway is provided entirely on private property;

(ii) the driveway requirements in subdivision 5.(b)(i) is similar to other homes in the area; and

(iii) sufficient on-street parking is available in the neighborhood.

(c) The Director may authorize a maximum of two and one-half feet parking stall overhang into the required front and/or street yard landscape setback areas only to provide the minimum driveway width required by the Fire Department.

(d) The Director may authorize the use of reduced size parking spaces for required parking on sites that are limited by size, street access, or topography.

6. Height. In any district the Director may authorize a ten percent increase in the maximum height limitation. Such increases may be approved where necessary to significantly improve the site plan or architectural design, and where scenic views or solar access on surrounding properties are not affected.

7. Paved Surfaces. In any residential district, the Director may increase the maximum paving available for parking and access in a required front yard area by not more than 25%, when it is proven that access to the rear yard cannot be provided, or that the parking of vehicles within the permitted regulations is not feasible due to the unique physical characteristics of the property (natural or constructed), and that the location of the parking area will not present a conflict with necessary sight distance required for vehicles and/or pedestrians, either within the public right-of-way or on private property.

C. Application. An application for a minor exception shall be filed with the Department, in a form prescribed by the Director. No minor exception application fee shall be collected for reasonable accommodation requests filed pursuant to this section.

D. Notification. The Director shall notify the applicant and contiguous property owners by mail ten days prior to the Director's decision. Said notice shall state the following:

1. Requested action;

2. Location of requested action by address and assessor's parcel number;

3. Name and address of applicant;

4. Date after which a decision will be made on application;

5. Name of the Director and telephone number of city hall.

E. Findings. The Director shall make the following findings when approving an application for a minor exception:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of the development code.

2. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same district.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by other property owners in the same district.

4. That the granting of the minor exception will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same district, and will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. (Ord. 517 § 2, 2013; Ord. 468 §§ 1—3, 2007; Ord. 226 § 1, 1989; amended during 1989 supplement; Ord. 152, 1985)

13.06.055 Reasonable Accommodation – Residential Accessibility

A. Purpose and Intent. It is the policy of the City of Santee, pursuant to the Federal Fair Housing Act, the Federal Fair Housing Amendments Act of 1988, and the California Fair Employment and Housing Act, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of these provisions is to provide a process for making requests for reasonable accommodation to land use and zoning decisions.

B. Authority. The Director is authorized to grant a reasonable accommodation request in accordance with the procedures in this section in order to make specific housing available to individuals with disabilities.

C. Application. Any individual with a disability or person acting on their behalf may submit a request in writing to the Department of Development Services for reasonable accommodation in the rules, policies, practices, and procedures regulating the siting, funding, development or use of housing. A reasonable accommodation request may include, but is not limited to yard area encroachments for ramps, handrails, or other such accessibility

improvements; hardscape additions, such as widened driveways, parking area or walkways that would not otherwise comply with required landscaping or open space area provisions; and building addition(s) required strictly for accessibility accommodation. If an Applicant needs assistance in making the request or any appeals associated with the request, the Department of Development Services shall provide reasonable assistance necessary to ensure the process is accessible to the Applicant. No application fee shall be collected for reasonable accommodation requests filed pursuant to this section.

D. Review Process. When a request for reasonable accommodation is filed with the Department of Development Services, it is referred to the Development Services Director for review and consideration. If necessary to reach a determination on the request for reasonable accommodation, the Development Services Director may request further information from the Applicant consistent with the Federal Fair Housing Amendments Act of 1988, specifying in detail what information is required. Not more than 30 days after receiving a written request for reasonable accommodation, the Development Services Director shall issue a written determination on the request. In the event that the Development Services Director requests further information pursuant to the paragraph above, this 30-day period shall be suspended. Once the Applicant provides a complete response to the request, a new 30-day period shall begin.

E. Findings. The Development Services Director shall consider the following criteria when determining whether a requested accommodation is reasonable:

1. The Applicant making the request for reasonable accommodation is an individual protected under the Federal Fair Housing Amendments Act of 1988.

2. The accommodation is necessary to make a specific dwelling unit(s) available to an individual protected under the Federal Fair Housing Amendments Act of 1988.

3. The requested accommodation would not impose an undue financial or administrative burden on the City.

4. The requested accommodation would not require a fundamental alteration in the nature of a program, policy, and/or procedure.

F. Written Determination. The Development Services Director's written determination on the request for reasonable accommodation shall explain in detail the basis of the determination, including the findings on the criteria set forth Section 13.06.055(E). All written determinations shall give notice of the right to appeal as set forth in Section 13.06.055(G), and shall state whether removal of the improvements will be required if the need for which the accommodation was granted no longer exists and removal would not constitute an unreasonable financial burden.

G. Appeals.

1. Within thirty (30) days of the date of the Development Services Director's written decision, an applicant may appeal an adverse decision to the City Council. Appeals from the adverse decision shall be made in writing.

2. If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeals process is accessible.

3. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available. (Ord. 517 § 2, 2013)

13.06.060 Home occupations.

A. Purpose and Intent. The intent of these regulations is to assure those home occupations in residential neighborhoods, (residential-business district excepted) under conditions; are compatible with the surrounding neighborhood.

B. Authority. The Director is authorized to approve, impose reasonable conditions upon such approval, or deny such requests.

C. Allowed Home Occupations. Subject to the requirements of this section, the following are authorized Home Occupations:

1. Office use for professional services that involve the use of a computer, telephone, and other electronic equipment;

2. Music lessons, art lessons, academic tutoring, and similar uses as determined by the Director with limited clientele visits;

3. Hairdresser services with limited clientele visits;

4. On-line sales for art and craft work and similar uses as determined by the Director;

5. Cottage Food Operations and Microenterprise Home Kitchen Operation as authorized by the California Retail Food Code and subject to conditions established by the County of San Diego Department of Environmental Health;

6. Other uses may be permitted by the Director if the intensity of the activity is not detrimental to the surrounding neighborhood.

D. Prohibited Home Occupations

1. Automotive repair and/or engine rebuilding;

2. Upholstering;

3. Machine or welding shop;

4. Other similar commercial uses that are not compatible with residential uses as determined by the Director of Development Services.

E. Mandatory Conditions for Operation of Home Occupations. Home occupations may be permitted on property used for residential purposes based on the following conditions:

1. No persons, other than residents of the dwelling unit, shall be engaged in such activity.

2. There shall be no change in the outward appearance of the building or premises, or other visible evidence of the activity, nor shall it cause an undue amount of vehicular traffic or parking within the neighborhood.

3. There shall be no sales of products on the premises, except produce (fruit or vegetables) grown on the subject property.

4. The use shall not generally allow customers or clientele to visit dwellings. However, limited clientele visits for such uses as music lessons, swim lessons, hairdresser services and similar uses as determined by the Director, may be permitted if the intensity of the activity is approved by the Director.

5. The home occupation operation shall be consistent with the permitted residential use, and shall not:

   (a) Create any conditions that are detrimental to the residential neighborhood such as significantly increased traffic; or

   (b) Cause increased noise, dust, lighting, odor, smoke, fumes, vibration, electrical, radio or television disturbances or violate any applicable ordinances or laws; or

   (c) Cause a change in the building code occupancy in the structure where it is located. Examples of uses that do not qualify as home occupation include automotive repair and/or engine rebuilding, upholstering, machine or welding shop or similar uses that are not compatible with residential uses. The activities conducted and equipment, material or hazardous materials used shall be identified on the business license application and shall not change the fire safety or residential occupancy classifications of the premises.

6. No home occupation shall be conducted in an accessory building. Normal use of the garage may be permitted if such use does not obstruct required parking.

7. The use shall not involve outdoor storage of materials or supplies or storage of materials in an accessory building.

8. No signs shall be displayed in conjunction with the home occupation.

9. A home occupation is not valid until a current city business license is obtained.

10. The use shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one vehicle not to exceed a capacity of one and one half tons owned by the operator of such home occupation.

11. If an applicant is not the owner of the property where a home occupation is to be conducted, then a signed statement from the owner approving such use of the dwelling must be submitted with the application. (Ord. 438 § 1, 2003; Ord. 327 § 2, 1994; Ord. 152, 1985)

13.06.070 Temporary uses.

A. Purpose and Intent. The purpose of this section is to control and regulate land use activities of a temporary nature which may adversely affect the public health, safety, and welfare. The intent is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residences and land owners, and to minimize any adverse effects on surrounding properties and the environment.

B. Authority.

1. The Director is authorized to approve, conditionally approve with reasonable conditions or to deny such request. The Director may establish conditions and limitations including but not limited to hours of operation, provision of parking areas, signing and lighting, traffic circulation and access, temporary or permanent site improvements, and other measures necessary to minimize detrimental effects on surrounding properties.

2. The Director also may require a cash deposit or cash bond to defray the costs of cleanup of a site by the City in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or reconversion of any temporary use to a permanent use allowed in the subject district.

C. Temporary Uses—Allowed. The following temporary uses shall be exempt from the permit requirements of this section, with the exception of any temporary use to be located on city property. The uses listed in this section, however, require compliance with the criteria contained in Subsection D of this section.

1. Parking lot and sidewalk sales for businesses located within a commercial or industrial zoned property;

2. Outdoor art and craft shows or sales subject to not more than fifteen days of operation or exhibition in any ninety-day period;

3. Seasonal retail sale of agricultural products raised on the premises, limited to periods of ninety days in a calendar year. A minimum of ten off-street parking spaces shall be provided;

4. Patriotic, historic, or similar displays or exhibits subject to not more than 30 days in a calendar year;

5. Holiday display sales, that include pumpkins, Thanksgiving-related items, Christmas trees, decorations and other related accessory items, limited to no more than ninety days of operation, commencing October 15th of any given year and ending no later than January 15th of the following year.

6. Trade fairs limited to not more than fifteen days of operation or exhibition in any ninety-day period;

7. Charitable special events subject to not more than fifteen days of operation in any ninety-day period;

8. Recreational vehicles for use by guests or visitors of residents of the City are allowed subject to the conditions below. Recreational vehicles shall have the same meaning as defined in Section 13.04.140(C) of this title, except that boats and boat trailers are excluded;

   (a) The use shall not be permitted for more than 30 calendar days in any calendar year, and

   (b) The recreational vehicle must be parked outside the public right-of-way on a paved surface pursuant to Section 13.10.060(B)(1) of this title on property owned or leased by the host and on which there is located a permanent single-family dwelling unit occupied by the host, and

   (c) The location of the recreational vehicle shall not conflict with fire department access requirements, and

   (d) Water, sewer, and/or gas hook-ups except as otherwise permitted by Section 10.10.275 of this code, are not permitted. The recreational vehicle must be self-contained or water and sanitary facilities must be available within 200 feet of the vehicle.

   (e) Temporary electrical service is permitted for the duration of the permit.

9. Pony rides, not more than fifteen days in any ninety-day period.

10. Additional uses determined to be similar to the foregoing, by the Director.

D. Performance Standards. The temporary uses allowed pursuant to this section shall comply with the following standards:

1. All lighting shall be directed away from and shielded from adjacent residential areas. An electrical permit shall be obtained if required pursuant to the building code;

2. Adequate parking shall be provided and the use shall not obstruct the use of any required driveway;

3. The use shall not obstruct any public sidewalk or otherwise be located within the public right-of-way unless an encroachment permit is obtained from the Department;

4. The use shall comply with any applicable requirement of the Fire Department;

5. The use shall not adversely affect traffic circulation on surrounding public streets.

E. Temporary Uses—Permit Required. An application for a temporary use permit shall be required for the following activities and shall be subject to conditions established by this section and any other additional conditions as may be prescribed by the Director.

1. Circuses, carnivals, rodeos, or similar traveling amusement enterprises subject to the following guidelines and conditions:

(a) All such uses shall be limited to not more than fifteen days, or more than three weekends, of operation in any 180 day period. To exceed this time limitation shall require the review and approval of a conditional use permit as prescribed in Section 13.06.030;

(b) All such activities shall have a minimum setback of 100 feet from any residential area. This may be waived by the Director if in his opinion no adverse impacts would result;

(c) Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Director;

(d) Restrooms shall be provided;

(e) Security personnel shall be provided;

(f) Special, designated parking accommodations for amusement enterprise workers and support vehicles shall be provided;

(g) Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the Director;

(h) Comply with stormwater pollution prevention policies and best management practices;

(i) Implement any other conditions the Director deems necessary to ensure compatibility with the surrounding uses and to preserve the public health, safety and welfare.

2. Model Homes. Model homes may be used as offices solely for the first sale of homes within a recorded tract subject to the following conditions:

(a) The sales office may be located in a garage, trailer or dwelling;

(b) Approval shall be for a two-year period, at which time the sales office use shall be terminated and the structure restored back to its original condition. Extensions may be granted by the Director in one year increments up to a maximum of four years or until 90% of the development is sold; whichever is less;

(c) A cash deposit, letter of credit, or any security determined satisfactory to the City shall be submitted to the City, in an amount to be set by council resolution, to ensure the restoration or removal of the structure;

(d) The sales office is to be used only for transactions involving the sale, rent or lease of lots and/or structures within the tract in which the sales office is located, or contiguous tracts;

(e) Failure to terminate the sales office and restore the structure or failure to apply for an extension on or before the expiration date will result in forfeiture of the cash deposit, a halt in further construction or inspections activity on the project site, and enforcement action to ensure restoration of the structure;

(f) Street improvements and temporary off-street parking at a rate of two spaces per model shall be completed to the satisfaction of the City engineer and Director prior to commencement of sales activities or the display of model homes;

(g) All fences proposed in conjunction with the model homes and sales office shall be located outside the public right-of-way;

(h) Flags, pennants, or other on-site advertising shall be regulated pursuant to the sign regulations of the municipal code;

(i) Use of signs shall require submission of a sign permit application for review and approval by the Department prior to installation;

(j) Each major subdivision proposing a model home complex consisting of two or more models shall provide a four square foot sign in the front yard of one or more of the models indicating that the model provides a water saving landscape and irrigation design pursuant to current city codes. A drawing or drawings shall be displayed in the model, or models, which shows the landscaping design and includes a key identifying the common name of the plants used in the design. It is encouraged that additional literature describing water conserving landscaping and irrigation be made available to prospective buyers or referenced in the interior display.

3. Travel trailers, recreational vehicles, or mobilehomes shall be permitted on active construction sites for use as either temporary living quarters for security personnel, or as a temporary residence of the subject property owner. Recreational vehicle shall have the same meaning as defined in Section 13.04.140(C) of this title, except that boats and boat trailers are excluded. The following conditions shall apply:

   (a) The Director may approve the temporary use for the duration of the construction project or for a specified period, but in no event for more than two years. If exceptional circumstances exist, a one-year extension may be granted, provided that the building permit for the first permanent dwelling or structure on the same site has also been extended; and

   (b) Prior to placement of the travel trailer, mobilehome or recreational vehicle on the site, any required permits from the City building division shall be obtained; and

   (c) Any travel trailer or recreational vehicle used pursuant to this section, shall have a valid California Vehicle license; and

   (d) Any mobilehome used pursuant to this section shall meet the requirements of the State Health and Safety Code and show evidence of approval by the State Department of Housing and Community Development; and

   (e) Any permit issued pursuant to subdivision 3 of this Subsection in conjunction with a construction project shall become invalid upon cancellation or completion of the building permit for which this use has been approved, or the expiration of the time for which the approval has been granted. The invalid use is then subject to the permits and regulations stated within Section 13.10.030(E).

4. Temporary outdoor storage is permitted in the industrial zones for industrial uses and storage and wholesale trades as identified in Table 13.14.030A, subsections A and B, subject to the following guidelines and conditions.

   (a) No temporary storage shall encroach into essential parking or on required handicap spaces. “Essential parking” will be an amount equal to 1.1 times the number of employees on the site. For businesses which operate in shifts or have seasonal changes in the number of employees, the number of employees on the largest shift or the highest number of employees at any time during the previous year shall be used to compute the essential parking. All employment figures must be verifiable to the satisfaction of the Director. For showroom or retail uses, essential parking will also include additional spaces provided at the rate of one space for each 250 square feet of showroom or retail floor area. Fractions of parking spaces shall be rounded up to the next whole parking space;

(b) The stored materials shall be limited to those items normally associated with the principal use on the site. The provisions of this section shall not be construed as allowing a use by right which is conditionally permitted or prohibited by Table 13.14.030A subsections A through H, Use Regulations, nor shall it apply to those uses which are legal nonconforming in nature;

(c) The permit may be issued for a maximum period of one year. The applicant shall notify the Director of any change to the characteristics of operation or use, tenant or occupancy that occur prior to any permit renewal;

(d) Prior to establishment of the temporary outdoor storage the property owner shall record a covenant which discloses the conditions of the temporary use permit to future property owners. The form and content of the covenant is to be approved by the Director prior to recordation. A copy of the recorded document must be submitted to the City prior to establishment of use;

(e) No storage may be located in a front or corner side yard frontage area and shall be located in the area on the site which is least visible from the public right-of-way, as determined by the Director;

(f) Fencing must be view obscuring and cannot exceed eight feet in height from grade and would be subject to the following standards:

(i) Fences must be constructed of coated chain-link with slats, solid wood fences with panels facing outward, wood with stucco, block, brick or painted metal panels. Design of fencing would be subject to the approval of the Director,

(ii) If a fence is located on a property line, or the storage is visible from a common property line, and the adjacent land use is other than residential, the applicant must obtain written approval from the adjoining property owner to erect a chainlink fence. In the absence of an agreement only a solid fence of a type described in subparagraph (i) of this subdivision may be installed facing the adjoining property,

(iii) If the adjoining use is residential, a solid decorative block wall will be required on the common property line,

(iv) Fencing shall comply with the requirements of the Uniform Building Code.

(g) No outdoor storage may exceed the height of the fence;

(h) In accordance with Section 13.14.030(J)(1), no work may take place in the outdoor storage area;

(i) No permit may be issued to a property for a one-year period if upon application for renewal it is found that within the previous temporary use permit period a notice of violation(s) was issued for a violation(s) of the temporary use permit;

(j) Storage may not encroach into required driveways, setbacks or landscaped areas, or impede overall vehicular or pedestrian site circulation. Gates must be rolling unless otherwise approved by the Director and shall be equipped with a knox-type security device to allow for emergency vehicle access at all times;

(k) Upon expiration or termination of the permit, the property owner is required to remove all temporary fencing, unless constructed of solid wood with stucco, decorative block or brick. Any damaged landscaping or site improvements must be repaired or replaced within 30 days of the date of expiration or termination of the temporary use permit.

5. Mobile storage units or prefabricated structures, trailers, mobilehomes or recreation vehicles for temporary office use are allowed, subject to the following:

(a) The temporary use is allowed for a maximum of ninety days in any calendar year. If exceptional circumstances exist, additional time may be granted by the Director;

(b) Adequate parking shall be provided and the structure shall not obstruct any required driveway or be located within a required landscape area;

(c) The structure shall not be visually prominent when viewed from the public right-of-way;

(d) The structure shall comply with applicable fire and building codes.

6. Religious services conducted on a site that is not permanently occupied by a religious assembly use for a period of not more than fifteen days in any ninety-day period.

7. Additional uses determined to be similar to the foregoing by the Director. (Ord. 427 § 1, 2003; Ord. 341 § 2, 1995; Ord. 314 § 2, 1993; Ord. 295 § 3, 1993; Ord. 292 § 3, 1992; Ord. 276 § 1, 1992; Ord. 246, 1990; Ord. 152, 1985)

13.06.080 Development within the floodplain or floodway.

All development or establishment of uses within the floodplain or floodway are subject to the flood damage prevention ordinance of the City. (Ord. 152, 1985)

13.06.090 Historical landmarks.

Any application to the City for a permit which will result in the alteration, relocation or demolition of an historical landmark shall be subject to the provisions of Chapter 15.60 of this code. (Amended during 1994 supplement; amended during 1989 supplement; Ord. 152, 1985)

13.06.100 Small Residential Rooftop Solar Energy Systems.

A. Applicability and Purpose. This section applies to the permitting of all small residential rooftop solar energy systems in the City.

1. "Small residential rooftop solar energy system" means a solar energy system which meets all of the following:

   (a) Is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal;

   (b) Conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City, and all state and City health and safety standards;

   (c) Conforms to all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability;

   (d) Is installed on a single or duplex family dwelling; and

   (e) The panel or module array does not exceed the maximum legal building height as defined by the City.

2. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this sec-tion are not subject to the requirements of this section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting.

3. Routine operation and maintenance or like-kind replacements shall not require a permit.

4. The purpose of this section is to create an expedited, streamlined solar permitting process that complies with the Solar Rights Act to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This section encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install small rooftop solar

energy systems. This section allows the City to achieve these goals while protecting the public health and safety.

B. Requirements for Expedited Review. To qualify for expedited review, a small residential rooftop solar energy system must meet the following requirements:

1. A small residential rooftop solar energy system shall meet applicable health and safety standards and requirements imposed by the local, state and federal health and safety laws and regulations.

2. Solar energy systems for heating water in single family residence and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

3. A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

C. Application for Expedited Review. To obtain expedited review for a small residential rooftop solar energy system, an applicant must submit the application and supporting documentation required by the City's Eligibility Checklist. The "Eligibility Checklist" is the submittal checklist adopted by the Director of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review pursuant to this section.

1. The application and supporting documentation required by the Eligibility Checklist may be submitted electronically, meaning through email, the internet, or facsimile. An electronic signature may be used in lieu of a wet signature.

D. Issuance of Permit. An application that City staff determines satisfies the Eligibility Checklist, including complete supporting documents, shall be deemed complete. After City staff deems an application complete, City staff shall review the application to determine whether the application meets local, state, and federal health and safety requirements.

1. If an application is complete and meets local, state and federal health and safety laws and regulations, the City will issue a nondiscretionary permit.

2. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

E. Inspections. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required. The inspection shall be performed by the Building Division, and may include a consolidated inspection with the Fire Department. The

inspection shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this subsection. (Ord. 531 § 1, 2015)

EXHIBIT 3

CHAPTER 13.08 DEVELOPMENT REVIEW

13.08.010 Purposes and general plan consistency.

This section establishes review procedures for residential, commercial, industrial, and institutional development proposals to achieve the following purposes:

A. To encourage site and structural development which exemplify the best professional design practices;

B. To enhance the residential and business property values within the City and in neighborhoods surrounding new development;

C. To develop property in a manner which respects the physical and environmental characteristics of each site;

D. To minimize stress from poorly designed development which can create physical and psychological conditions affecting the health, safety, comfort and general welfare of the inhabitants of the City;

E. To ensure that each new development is designed to best comply with the intent and purpose of the zone in which the property is located and with the general plan of the City;

F. To ensure that access to each property and circulation thereon are safe and convenient for pedestrians and vehicles;

G. Regarding all properties designated as general commercial, neighborhood commercial or office professional: Development and redevelopment shall be comprehensively designed, entitled and developed whenever it is determined by the City that the permitting of incremental construction and uses may significantly inhibit or otherwise be detrimental to fulfilling the economic and development potential of the site. Any development review permit, conditional use permit or minor conditional use permit which is not consistent with this policy shall be denied. (Ord. 451 § 3, 2005; Ord. 152, 1985)

13.08.020 Projects requiring development review.

A. An application for development review is required and the Director is authorized to grant a development review permit for commercial, industrial, institutional, and residential projects involving the issuance of a building permit for construction or reconstruction of a structure which meets any of the following criteria:

1. New construction on vacant property.

2. One or more structural additions or new buildings, with a total floor area of 1,200 square feet or more.

3. Reconstruction or alteration of existing buildings on sites when the alteration significantly affects the exterior appearance of the building or traffic circulation of the site. Exceptions are maintenance or improvement of landscaping, parking, exterior re-painting or other common building and property maintenance activities.

4. A Development Review application will be processed administratively for new accessory dwelling units as described in Section 13.10.030(F)(6) and not subject to application fees.

5. Construction of an accessory dwelling unit.

6. Any project involving a tentative map or tentative parcel map.

B. For detached single-family development, the following shall apply:

1. Application processing fees for the construction of an accessory dwelling unit shall be waived.

2. Development review for detached single-family development shall be required for all major subdivision maps and for development of all property within the hillside overlay district.

C. The Director must set a public hearing for any application for a development review permit for any of the following:

1. Multi-family residential project;

2. Single-family resident project requiring a tentative parcel or tentative subdivision map;

3. A commercial or industrial project containing more than 50,000 square feet of building floor area;

4. The conversion of residential, commercial or industrial buildings to condominiums.

D. The requirement for approval of a development review plan may be waived by the Director if the purposes and criteria of these procedures are met by a conditional use permit or site plan. A decision on a request for waiver may be appealed as provided by the appeal procedure commencing at Section 13.04.070. (Ord. 546 § 3, 2017; Ord. 438 § 1, 2003; Ord. 434 § 2, 2003; Ord. 362 § 2 1997; Ord. 314 § 2, 1993; Ord. 219, 1989; Ord. 152, 1985)

13.08.030 Authority.

A. The development review committee is established to be advisory to the Director.

B. The development review committee is comprised of members of the Department, engineering division and building division of the Development Services Department, Sheriff's Department, and the Fire Department. Review by the committee will consider items such as, but not limited to, circulation, street improvements, right-of-way dedication, utility easements, grading, drainage facilities, storm drain improvements, uniform building code requirements, security, fire flow, emergency access, location of fire hydrants, water and sewer line connections and sizing, water pressure, streetscape and landscape standards, and setbacks and will recommend changes in any development for compliance with adopted codes and standards. They may also make recommendations to the Director on any policy issues or areas not covered by existing codes and standards.

C. The Director shall have the authority to prepare, and revise as required, a development review manual, to assist residents and property owners in understanding the development review procedures. The manual will establish submittal requirements and development review standards pertaining to architecture, development, signs, circulation, parking, fences, lighting, streetscape, landscaping, etc. (Ord. 438 § 1, 2003; Ord. 420 Exh. C, 2002; Ord. 186 § 3, 1987: amended during 1989 supplement; Ord. 152, 1985)

13.08.040 Application procedures.

An application for a development review permit shall be submitted to the Department on a form provided by the department and accompanied by a fee as established by resolution of the City Council. The application shall be accompanied by a site plan, building elevations, and landscape plan, and other information as may be required to adequately evaluate the proposed project. (Ord. 438 § 1, 2003; Ord. 152, 1985)

13.08.050 Content of development review plan.

The required plan shall specify the dimensions, elevations, design, and intended use of the proposed buildings and structures necessary to conform to current zoning and other development regulations and to be compatible with the character of adjacent developed parcels and the existing neighborhood. In addition, the required plan shall include such maps, plans, drawings, and sketches as are necessary to show:

A. The placement, height, and physical characteristics of all existing and proposed buildings and structures located on the development site;

B. The existing vegetation to be removed or retained, and all proposed landscaping;

C. The location and dimensions of existing and proposed ingress and egress points, interior road and pedestrian walkways, parking and storage areas;

D. The existing and finished topography of the development site, including the existing natural drainage system and its proposed treatment;

E. The number, size, location and design of existing and proposed signs; and

F. The exterior lighting plan, which could have a visual impact on the exterior appearance of the development. (Amended during 1989 supplement; Ord. 152, 1985)

13.08.060 Development review procedure.

A. Upon acceptance of a complete application for development review, one of the following must occur:

1. a project shall be scheduled on for a public hearing and the applicant must be notified at least ten days prior to the hearing; or

2. the Director must issue a decision on the application.

B. All development proposals submitted pursuant to this section are reviewed by the Department, which shall make a recommendation for consideration by the Director.

C. Whenever review by an agency other than the Department is required, a copy of the application and accompanying maps and diagrams shall be forwarded to the appropriate agency. The agency shall review the application and make its recommendation to the Director. (Ord. 438 § 1, 2003; Ord. 152, 1985)

13.08.070 Development review criteria.

Development review plans shall be reviewed for compliance with the purposes of the development review procedure as stated in Section 13.08.010, with the following approval criteria:

A. Relationship of Building and Site to Surrounding Area. A development review plan shall be designed and developed in a manner compatible with existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences, as well as, protection of the surrounding areas from potentially adverse influences within the development by such means as landscaping buffers, screens, site breaks, and use of compatible building colors and materials.

B. Relationship of Building to Site. Building designs shall include variations in rooflines and wall planes, and incorporate windows, doors, projections, recesses, arcades and/or other building details to avoid large wall surfaces.

C. Landscaping. The removal of significant native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area and shall harmonize with the natural landscaping. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in subsections D and E of this section and shall not obstruct significant views, either when installed or when they reach mature growth.

D. Roads, Pedestrian Walkways, Parking, and Storage Areas. Any development involving more than one building, or structure shall provide common access roads and pedestrian

walkways. Parking and outside storage areas, where permitted, shall be screened from view, to the extent feasible by existing topography, by the placement of buildings and structures, or by landscaping and plantings. The screening shall be designed in conformance with law enforcement community policing standards, by providing view corridors into the site from adjacent streets and properties to the satisfaction of the Director. Surveillance cameras may also be required if deemed necessary for public safety.

E. Grading. Natural topography and scenic features of the site shall be retained and incorporated into the proposed development. Any grading or earth-moving operations in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site.

F. Signs. The number, size, location and design of all signs shall comply with zoning regulations and shall not detract from the visual setting of the designated area or obstruct significant views.

G. Lighting. Light fixtures for walks, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.

H. Additional Criteria for Commercial Developments. Buildings shall be sited and designed in a manner which visually and functionally best enhances their intended use for permitted office, retail or service commercial activities.

I. Additional Criteria for Multiple-Family Residential Developments.

1. Site Buildings to Avoid Crowding. Where multiple buildings are proposed, the minimum building separation shall be ten feet in accordance with Section 13.10.040.F.

2. Site and Design Buildings to Avoid Repetitions of Building or Roof Lines. This may be achieved through: variation in building setback; wall plane offsets; use of different colors and materials on exterior elevations for visual relief; and architectural projections above maximum permitted height in accordance with Section 13.10.050(C).

3. In the Urban Residential (R-30) zone, for each five-foot increase in building height over forty-five feet, the wall plane shall be stepped back an additional five feet.

4. Where adjacent to a single-family residential zone, design buildings to ensure a transition in scale, form, and height with adjacent residential properties. Setbacks are required in accordance with Table 13.10.040A. Designs may incorporate elements such as building massing and orientation, location of windows, building

story stepbacks, building materials, deep roof overhangs, and other architectural features that serve to further transition the scale.

5. Projects shall be designed so that assigned parking spaces are located as close as practicable to the dwelling units they serve. Refer to Section 13.24.030(B) for additional parking standards.

6. The visual impact of surface parking areas adjacent to public streets shall be minimized through the use of mounded or dense landscape strips or low decorative masonry or stucco walls no more than three and one-half feet in height. Parking areas shall be treated with decorative surface elements to identify pedestrian paths, nodes and driveways.

7. In accordance with the "Crime Prevention through Environmental Design" program, site and building design shall incorporate at a minimum, the following additional elements:

    (a) Access control by defining entrances to the site, buildings and parking areas with landscaping, architectural design, lighting, and symbolic gateways; dead-end spaces shall be blocked with fences or gates or otherwise prohibited.

    (b) Natural surveillance by designing buildings and parking structures so that exterior entrances/exits are visible from the street or by neighbors, and are well lit; windows shall be installed on all building elevations; recreation areas, elevators and stairwells shall be clearly visible from as many of the units' windows and doors as possible; playgrounds shall be clearly visible from units and not located next to parking lots or streets.

    (c) Territorial reinforcement by defining property lines with landscaping and decorative fencing; individually locking mailboxes shall be located next to the appropriate units and common mailbox facilities shall be well lit. All buildings shall be clearly addressed and visible from the adjoining street(s).

Architecturally designed wayfinding signs shall be installed on the premises.

    (d) Maintenance of the site and common areas by regular pruning of trees and shrubs back from windows, doors and walkways; exterior lighting shall be used and maintained and inappropriate outdoor storage shall be prohibited. (Ord. 517 § 4, 2013; Ord. 495 § 2, 2010; Ord. 438 § 1, 2003; Ord. 152, 1985)

13.08.080 Findings required.

Prior to approving a development review permit, the approval authority shall find that:

A. The proposed development meets the purpose and design criteria prescribed in these procedures and other pertinent sections of the zoning ordinance and municipal code; and

B. The proposed development is compatible with the general plan. (Ord. 438 § 1, 2003)

13.08.090 Decision and notice.

Upon completion of review and evaluation of an application for development review, the approval authority shall:

A. Approve the application; or

B. Notify the applicant of changes required for approval of the application; or

C. Approve the application subject to such conditions, including an expiration date, as may be deemed appropriate; or

D. Deny the application. (Ord. 438 § 1, 2003)

13.08.100 Appeal.

A decision pursuant to Section 13.08.090 may be appealed as provided by the administrative appeal procedure commencing at Section 13.04.070. (Ord. 438 § 1, 2003)

EXHIBIT 4

CHAPTER 13.09 PROCEDURES AND REQUIREMENTS FOR CONSIDERATION OF DEVELOPMENT AGREEMENTS

13.09.010 Authority for adoption.

This chapter is adopted under the authority of California Government Code Section 65864 et seq. (Ord. 383 § 2, 1999)

13.09.020 Forms and information.

A. The Director shall prescribe the form for each application, notice and document provided for or required under this chapter for the preparation and implementation of development agreements.

B. The Director may require an applicant to submit such information and supporting data as the Director considers necessary. (Ord. 383 § 2, 1999)

13.09.030 Fees.

A. A fee established by City Council resolution shall be paid by the applicant at the time of filing the application.

B. Nothing in this chapter shall relieve the applicant from the obligation to pay any other fee for a city approval, permit or entitlement as established elsewhere in this code. (Ord. 383 § 2, 1999)

13.09.040 Qualification as an applicant.

Any person who has a legal or equitable interest in real property which is the subject of the development agreement, including an authorized agent, may initiate a development agreement. The Director shall require an applicant to submit proof, adequate to the Director, of the interest in the real property and of the authority of the agent to act for the applicant. (Ord. 383 § 2, 1999)

13.09.050 Contents.

A. Each application shall be accompanied by the form of development agreement proposed by the applicant or the standard form created by the Director, including specific proposals for changes or additions to the language of the standard form as determined appropriate by the City.

B. A development agreement shall specify or contain the following:

1. Duration of the agreement;

2. Permitted uses of the property;

3. Density or intensity for use;

4. Maximum height and size of proposed building(s);

5. Provisions for reservation or dedication of land for public purposes;

6. A general site plan showing arrangement of uses and circulation;

7. A timetable for the commencement and completion of various project phases or other features of the agreement;

8. Other conditions, terms, restrictions and requirements for subsequent discretionary actions. (Ord. 383 § 2, 1999)

13.09.060 Review of application.

A. The Director shall review the application and may reject it if it is incomplete or inaccurate for processing. If he finds that the application is complete, he shall accept it for filing.

B. The Director shall review the application and proposed agreement and shall prepare a report and recommendation to the City Council on the agreement.

C. The Director shall forward a copy of the application and agreement to the City Attorney for review. The City Attorney shall, if deemed necessary, prepare a report and recommendation to the City Council on the agreement. (Ord. 383 § 2, 1999)

13.09.070 Environmental review.

An application for a development which qualifies as a project under the California Environmental Quality Act (CEQA) shall be subject to environmental review in accordance with CEQA and the procedures as adopted by the City for implementation of CEQA. (Ord. 383 § 2, 1999)

13.09.080 Public hearing and notice.

A. The Director shall transmit the application to the City Council for a public hearing when all the necessary reports and recommendations are completed. A public hearing on an application for a development agreement shall be held by the City Council at the time and place specified in the notice.

B. Notice of intention to consider adoption of a development agreement shall be given by the Director as provided for in Section 13.04.100.

C. If state law prescribes a different notice requirement, notice shall be given in that manner.

D. Failure of any person to receive notice required by law or these regulations shall not affect the authority of the City to enter into a development agreement. (Ord. 383 § 2, 1999)

13.09.090 Decision by city council.

A. After the City Council completes the public hearing, the City Council may approve, modify, or disapprove the development agreement. It may refer matters not previously considered to the Director for report and recommendation.

B. A development agreement shall be approved by ordinance and shall be consistent with the general plan and any applicable specific plan.

C. The application for a development agreement may be considered concurrently with other discretionary permits for the project.

D. A development agreement that includes a subdivision, as defined by California Government Code, must not be approved unless the agreement provides that any tentative map prepared for the subdivision will comply with the California Government Code.(Ord. 383 § 2, 1999)

13.09.100 Irregularity in proceedings.

No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court because of any procedural error in conducting the public hearing, unless after an examination of the entire case, the court is of the opinion that the error complained of was prejudicial, that the complaining party suffered substantial injury, and that a different result would have been probable if the error had not occurred. (Ord. 383 § 2, 1999)

13.09.110 Rules, regulations, and official policies.

Unless otherwise provided by the development agreement, rules, regulations and official policies governing permitted land use, density, design, improvement and construction standards and specifications, applicable to development of the property subject to the agreement, shall be those rules, regulations, and official policies in force at the time of the execution of the agreement. A development agreement shall not prevent the City in subsequent actions applicable to the property from applying new rules which do not conflict with those contained within the agreement, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development application on the basis of such existing or new rules, regulations and policies. (Ord. 383 § 2, 1999)

13.09.120 Periodic review.

The Director shall review development agreements at least once a year, at which time the applicant or successor in interest thereto shall be required to demonstrate good faith compliance with the terms of the agreement. If as a result of the review, the Director finds and determines, on the basis of substantial evidence, that the applicant has not complied in good faith with the terms of the agreement, the Director shall recommend to the City Council that the agreement be modified or terminated. If the City Council concurs with the Director’s recommendation, the agreement shall be modified or terminated. Proceedings before the City Council shall be noticed public hearings pursuant to Section 13.09.080. (Ord. 383 § 2 (part), 1999). (Ord. 383 § 2, 1999)

13.09.130 Amendment or cancellation.

In addition to the provisions of Sections 13.09.110 and 13.09.120, a development agreement may be amended or canceled in whole or in part by mutual consent of the parties to the agreement or their successors in accordance with the procedure described in Sections 13.09.080 and 13.09.090. (Ord. 383 § 2, 1999)

13.09.140 Recording of agreement.

No later than ten days after the City enters into, amends or terminates a development agreement, the City Clerk shall record with the County Recorder a copy of the agreement, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement. (Ord. 383 § 2, 1999)

13.09.150 Modification or suspension to comply with state or federal laws or regulations.

In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations. (Ord. 383 § 2, 1999)

EXHIBIT 5

CHAPTER 13.10 RESIDENTIAL DISTRICTS

13.10.010 Purposes and general plan consistency.

The general plan outlines goals and objectives, with regard to residential uses and development. This chapter is intended to implement these general plan goals and objectives through the following purposes:

A. Facilitate development in accord with the general plan with greater flexibility and encourage more creative community design than under conventional zoning or subdivision regulations.

B. Promote economical and efficient use of the land while providing a harmonious variety of housing choices, mixed-use development, urban services, preservation of natural and scenic qualities of open spaces and areas or structures of historical significance.

C. Promote design and construction techniques that are responsive to the environmental resources of the site, and encourage energy conservation through solar and other renewable energy sources.

D. To promote development compatible with surrounding neighborhoods and protect neighborhoods from harmful encroachment by intrusive or disruptive development.

E. It is intended that land use shall be managed with respect to location, timing, and density/intensity of development in order to be consistent with the capabilities of the City and special districts to provide services, to create communities where a diverse population may realize common goals, and to achieve sustainable use of environmental resources both within and outside of the City. (Ord. 438 § 1, 2003)

13.10.020 Residential consistency districts.

These districts have been created to implement the goals, objectives and land use designations of the general plan. In addition, each district is designed to implement the density limits of each district.

A. Hillside/Limited Residential (HL)—(Zero to One Dwelling Units/Gross Acre). This designation is intended for residential development in areas that exhibit steep slopes, rugged topography and limited access. Residential uses are characterized by rural large estate lots with significant permanent open space area, consistent with the constraints of slope gradient, soil and geotechnical hazards, access, availability of public services and other environmental concerns.

B. Low Density Residential (R-1)—(One to Two Dwelling Units/Gross Acre). This designation is intended for residential development characterized by single-family homes on one-half acre lots or larger which are responsive to the natural terrain and minimize grading requirements. The intent of this designation is to provide development of a semi-rural character through the use of varying setbacks and dwelling unit placement on individual parcels.

C. Low-Density Residential (R-1A)—(Two to Four Dwelling Units/Gross Acre). This designation is intended for residential development characterized by single-family homes on one-quarter acre lots or larger which provide a transitional option between the R-2 (6,000 square foot lot) and the larger R-1 (20,000 square foot lot) zones.

D. Low-Medium Density Residential (R-2)—(Two to Five Dwelling Units/Gross Acre). This designation is intended for residential development characterized by single-family homes in standard subdivision form. It is normally expected that the usable pad area within this designation will be a minimum of 6,000 square feet.

E. Medium Density Residential (R-7)—(Seven to Fourteen Dwelling Units/Gross Acre). This designation is intended for a wide range of residential development types including attached and detached single-family units at the lower end of the density range and multiple family attached units at the higher end of the density range. Areas developed under this designation should exhibit adequate access to streets of at least collector capacity and be conveniently serviced by neighborhood commercial and recreational facilities.

F. Medium High Density Residential (R-14)—(Fourteen to Twenty-two Dwelling Units/Gross Acre). This designation is intended for residential development characterized at the lower end of the density range by multiple family attached units and at the upper end of the density range by apartment and condominium buildings. It is intended that this category utilize innovative site planning, provide on-site recreational amenities and be located in close proximity to major community facilities, business centers and streets of at least major capacity.

G. High Density Residential (R-22)—(Twenty-two to Thirty Dwelling Units/Gross Acre). This designation is intended for residential development characterized by mid-rise apartment and condominium buildings characteristic of urban high density development in close proximity to community facilities and services, public transit services, and major streets. It is intended that this category utilize innovative site planning and building design to provide on-site recreational amenities and open space.

H. Urban Residential (R-30)—(Thirty Dwelling Units/Gross Acre). This designation is intended for residential development characterized by mid-rise apartment and condominium development typical of urban development at higher densities than R-22. This designation is intended for architecturally designed residential development, up to four stories, with parking facilities integrated in the building design. Areas developed under this designation would be located in close proximity to major community facilities, commercial and business centers and streets of at least major capacity. Development amenities would include on-site business centers, fitness and community rooms, and indoor and outdoor recreation facilities. Site design would implement pedestrian-friendly design concepts, including separated sidewalks, landscaped parkways, traffic calming measures, and enhanced access to transit facilities and services. Measures that reduce energy and water consumption are required. New development in this zone is required to meet the minimum density of the zone. (Ord. 495 § 3, 2010; Ord. 438 § 1, 2003)

13.10.030 Residential use regulations.

Uses listed in Table 13.10.030A shall be allowable in one or more of the residential districts as indicated in the columns beneath each residential district heading. Where indicated with the letter "P," the use shall be a permitted use in that district. Where indicated with the letter "C," the use shall be a conditional use subject to a conditional use permit in that district. Where indicated with the letters "MC," the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash "—", or if a use is not specifically listed in Table 13.10.030A and is not subject to the use determination procedure contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants, and restrictions of any property or dwelling units. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.10.030A
USE REGULATIONS FOR RESIDENTIAL DISTRICTS

USE	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
A. Residential Uses								
1. Single-family dwellings	P	P	P	P	P	—	—	—
2. Multifamily dwellings (townhomes and detached condominiums)	—	—	—	—	P	P	P	P
3. Planned Residential Developments ("PRD")					P	P		
4. Mobilehome parks (subject to provisions in Section 13.22.030)	C	C	C	C	C	C	C	—
5. Day care home, family								
(a) Large family day care home – up to 14 children (subject to the provisions contained in Section 13.30.030(F))								
(i) Within a single- family dwelling unit or within a PRD	P	P	P	P	P	P	—	—
(ii) Within a multifamily residential development	—	—	—	—	C	C	C	C
(b) Small family day care home – up to eight children	P	P	P	P	P	P	P	P
6. Residential care facility								
Accessory—6 or less	P	P	P	P	P	P	P	P
Non-accessory—7 or more	—	—	—	C	C	C	C	C
7. Boarding house	—	—	—	C	C	C	C	C
8. Congregate care facilities	—	—	—	—	C	C	C	C
B. Public and Semipublic Uses								
1. Biological habitat preserve	P	P	P	P	P	P	P	P
2. Cemetery	C	C	C	C	C	C	C	—
3. Church	C	C	C	C	C	C	C	C
4. Club, lodge, fraternity & sorority	C	C	C	C	C	C	C	—
5. Convalescent facility	—	—	—	—	C	C	C	C
6. Day care center	C	C	C	C	C	C	C	C
7. Educational facility (private), excluding business and trade schools and commercial schools	C	C	C	C	C	C	C	C
8. Dormitory (if accessory to college or school)	C	C	C	C	C	C	C	C
9. Hospital	—	—	—	C	C	C	C	—
10. Mining, only in conjunction with an approved development or grading project	C	C	C	C	C	C	C	C
11. Outdoor recreation facility	C	C	C	C	C	C	C	—

USE	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
12. Public buildings and facilities	C	C	C	C	C	C	C	C
13. Public park	C	C	C	C	C	C	C	C
14. Animal kennels, training schools, and breeding facilities	C	C	C	C	—	—	—	—
C. Agricultural uses (on lots of two and one-half acres or more)								
1. Animal care facility	C	C	C					
2. Apiary (subject to Section 13.10.030(F))	P	P	P	P	P	P	P	—
3. Farms for orchards, trees, field crops, truck gardening, flowering gardening, and other similar enterprises carried on in the general field of agriculture. Includes accessory retail sale of products raised on property, excluding retail nursery	P	P	P	P	P	P	P	—
4. Raising, grazing, breeding, boarding or training of large or small animals: except concentrated lot feeding and commercial poultry and rabbit raising enterprises, subject to provisions of Table 13.10.030(B)	P	P	P	P	P	P	P	—
5. Wholesale distributor and processing of nursery plant stock and retail nursery where incidental and contiguous to nursery stock propagation and/or wholesale distributor. Outdoor storage and display prohibited except for nursery plant stock	C	C	C	C	C	C	C	—
6. Stable, commercial	C	C						
D. Accessory uses in conjunction with a permitted principal use on the same site								
1. Animal keeping, accessory to a permitted use (13.10.030.F.2)								
(a) Dogs and cats over four months old (not exceeding four cats and/or dogs combined)	P	P	P	P	P	P	P	P
(b) Exotic or wild animals	C	C	C	C	C	C	C	—
(c) Other pets (pursuant to Table 13.10.030(B))	P	P	P	P	P	P	P	P
2. Antenna (pursuant to Section 13.34.070)	P	P	P	P	P	P	P	P
3. Accessory structure (see special requirements per Section 13.10.050)								
(a) Multifamily residential	—	—	—	—	P	P	P	P
(b) Single-family residential								
(i) Maximum 50% of living area of primary residence	P	P	P	P	P	C	C	—

USE	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
(ii) Greater than 50% of living area of primary residence	MC	MC	MC	MC	MC	MC	MC	—
4. Historic structures, uses in	C	C	C	C	C	C	C	C
5. Home occupation (see Section 13.06.060)	P	P	P	P	P	P	P	P
6. Other accessory uses, as determined by the Director	P	P	P	P	P	P	P	P
7. Private garage	P	P	P	P	P	P	P	P
8. Private swimming pool, tennis court and similar recreation facilities	P	P	P	P	P	P	P	P
9. Accessory dwelling unit (subject to Section 13.10.030(F) (6))	P	P	P	P	P	—	—	—
10. Stable, private (subject to Section 13.10.030(F))	P	P	P					
E. Temporary uses								
1. Temporary uses as prescribed in Section 13.06.070 and subject to those provisions	P	P	P	P	P	P	P	P
2. Temporary trailers for use in conjunction with institutional and agricultural uses for a specified interim period	MC	MC	MC	MC	MC	MC	MC	MC

"P" = Permitted use
"C" = Conditional use permit required
"MC" = Minor conditional use permit required
"—" = Not permitted

F. Special Use Regulations.

1. Agricultural Uses. Prior to development, the following agricultural uses are either permitted on lots of two and one-half acres or more:

(a) Permitted Uses.

(i) Apiary. Provided that all hives or boxes housing bees shall be placed at least 400 feet from any street, road or highway, any public school, park, property boundary or from any dwelling or place of human habitation other than that occupied by the owner or caretaker of the apiary. Additionally, a water source shall be provided on-site.

(ii) Retail sale of products raised on property excluding retail nursery and sale of animals for commercial purposes.

2. Animal Keeping. Keeping of animals accessory to residential use shall be limited as follows and as specified in Table 13.10.030B:

(a) Young born to permitted animals may be kept until weaned. Small animals may be kept up to four months. Large animals may be kept up to six months. Horses may be kept up to 12 months.

(b) Temporary keeping of small animals in conjunction with 4-H programs, etc., for a period not to exceed six months is allowed. Such animals may be kept for up to one year with the written approval of adjacent property owners and proof of enrollment in a 4-H program.

(c) Animal keeping shall be subject to the requirements set forth in Table 13.10.030B.

3. Chicken Keeping. Keeping of chickens accessory to a residential use shall be subject to Table 13.10.030B to determine the maximum number of chickens allowed, roosters excluded. The authority granted by this Subsection and Table 13.10.030B to allow the keeping of chickens in single-family residential zones shall not apply where restrictions on the keeping of chickens exist by lease or restrictive covenants. Chicken keeping is subject to the following requirements and any failure to comply with the following requirements constitutes a public nuisance pursuant to Section 1.10.030:

(a) Full Containment. Chickens shall be kept at all times in fully enclosed and covered enclosures, pens or cages so as to keep them from leaving the chicken keeper’s property. Chickens shall not be permitted to run at large on the chicken keeper’s property.

(b) Protection. Chicken enclosures shall be constructed with rodent-proof and hawk-proof hardwire installed a minimum of eighteen inches below grade to avoid entry by digging rodents.

(c) Construction Materials. Coops or henhouses shall provide all-weather shelter with tops or ceilings, be constructed with durable weather-resistant materials such as treated painted wood, and be placed within hardwire enclosures.

(d) Location of Coops and Enclosures. Coops and enclosures shall only be permitted in the rear yard, subject to minimum distance setbacks from property lines. In the R-2 zone the minimum setback shall be fifteen feet from the rear and side lot lines; in the HL, R-1 and R-1A zones the minimum setback shall be 20 feet from the rear and side lot lines.

(e) Food Storage. Grain or cereal food intended for chicken-feeding shall be kept in durable rodent-proof containers with tightly fitting covers.

(f) Sanitary Conditions. All chicken enclosures and coops shall be maintained in a clean, sanitary condition, free from offensive odors at all times. Evidence of unsanitary conditions includes, but is not limited to, numerous flies, fly larvae in the vicinity of the chickens or on the property, an accumulation of debris, refuse or manure, offensive odors and rat droppings. An odor is offensive if it can be detected at the adjoining property line.

(g) Refuse Control. All refuse and manure and any material conducive to the breeding of flies, or which would create any offensive odor, that is removed from the chicken coop and enclosure shall be placed in suitable tight containers or bags until entirely removed from the premises or turned under the soil surface where such materials are used as fertilizer.

(h) Disposal. All dead chickens shall be removed from the property or buried within twenty-four hours of death at a depth of at least three feet underground. Pending disposal, the chicken(s) shall be stored in fly-tight, air-tight containers or bags. The illegal disposal constitutes a public nuisance pursuant to Section 13.36.040.

(i) Breeding. The breeding of chickens is prohibited.

(j) Slaughter. Commercial slaughtering processes are prohibited.

TABLE 13.10.030B
ANIMAL REGULATIONS
RESIDENTIAL DISTRICTS

	Type of Animal	Allowable Residential District
1.	Horses, mules, donkeys or ponies[b]	HL, R-1
2.	Large animals other than horses, ponies, mules, or donkeys[b]	HL, R-1
3.	Small animals[b] such as a miniature potbelly pig, a goat, or a lamb	HL, R-1, R-1A, R-2
4.	Fowl includes chickens, hens, turkeys, geese, or game birds (roosters prohibited)[c]	HL, R-1 R-1A, R-2
5.	Household pets such as a dog, cat, parakeet, tropical fish, hamster, or other similar domesticated animal	ALL
6.	Rodents[d] such as a rabbit or chinchilla	ALL
7.	Exotic or wild animals[a] such as a reptile, fox, or raccoon	ALL

Notes:
a. As established by minor conditional use permit review.
b. Maximum of one animal per every 10,000 square feet of site area.
c. Maximum of one animal per every 2,000 square feet of site area.
d. Maximum of one animal per every 1,000 square feet of site area. More may be permitted subject to approval of a minor conditional use permit.

4. Home Occupations. The uses of a residence for business purposes shall be permitted subject to issuance of a business license (see Section 13.06.060).

5. Mobilehomes. One mobilehome is permitted on a lot in a single family residential district subject to the following requirements:

(a) It is a mobilehome that was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development or a mobilehome that has been certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.).

(b) Has not been altered in violation of applicable codes.

(c) It is occupied only as a single detached residential dwelling.

(d) Is subject to all provisions of this title applicable to residential structures.

(e) Is attached to a permanent foundation system in compliance with the provisions of Section 18551 of the Health and Safety Code.

(f) Is covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground,

except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

(g) Has a roof with a pitch of not less than two-inch vertical rise for each twelve inches of horizontal run and consisting of shingles or other material customarily used for conventional dwellings.

(h) Has a roof overhang of not less than one foot measured from the vertical side of the mobilehome. When carports, garages, porches, or similar structures are attached as an integral part of the mobilehome, no eave is required where the accessory structure is attached to the mobilehome.

(i) Prior to installation of a mobilehome on a permanent foundation system, the mobilehome owner or a licensed contractor shall obtain a building permit from the Department. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.

(j) The owner shall comply with the regulations established pursuant to Section 18551(b) of the Health and Safety Code for the cancellation of registration of a mobilehome. The owner shall also comply with the provisions of Section 18550(b) of the Health and Safety Code.

(k) The Director shall determine that the proposed project is in compliance with all applicable requirements and conditions prior to issuing final approval for occupancy.

(l) Unless otherwise specified, no modification may be granted from these requirements or from the requirements specified in Title 25 of the California Code of Regulations, which are not subject to local modification.

6. Accessory dwelling units are permitted subject to the following:

(a) An accessory dwelling unit shall be permitted only on a single-family or multifamily zoned lot that:

(i) Contains an existing single-family dwelling, which has been approved for occupancy.

(ii) Meets the minimum lot size of the residential district.

(iii) Can be served by adequate sewer and water service.

(iv) Does not currently contain an accessory dwelling unit.

(b) Accessory dwelling units may be used as the primary residence of the homeowner or rented separately from the principal structure. An accessory dwelling unit shall not be sold separately from the principal residence on the lot.

(c) The accessory dwelling unit shall be either attached to the primary dwelling or located within the living area of the dwelling or detached from the dwelling and located on the same lot as the dwelling.

(d) Owner occupancy of the primary or secondary residence is required for the grant of a development review permit for an accessory dwelling unit. This provision shall be ensured by a deed restriction, to the satisfaction of the Director. A unit approved under this section which no longer meets the above criteria shall be deemed an illegal use.

(e) Accessory dwelling units in residential districts shall be exempt from the density requirements of the Santee general plan. Accessory dwelling units are a residential use that must be consistent with the Santee General Plan and zoning base district.

(f) Residential structures determined to have the potential for use as an accessory dwelling unit shall comply with the standards for accessory dwelling units.

(g) Accessory dwelling units shall meet the development standards of the zoning base district and all other design criteria of this title applicable to residential structures or additions. Accessory dwelling units shall be architecturally compatible with the primary dwelling unit in terms of scale, design, materials, colors, and texture.

(h) If attached, an accessory dwelling unit shall be attached to the primary unit in a manner that the addition would create the appearance of an enlargement of the primary residence and a logical extension of roof and walls rather than give the appearance of an add-on unit.

(i) In order to lessen any appearance of a duplex structure, the entrance to an attached accessory dwelling unit shall not be visible from public street(s) fronting the property.

(j) There shall be no conversion of a garage of a primary residence into an accessory dwelling unit unless all parking requirements are otherwise met for the primary residence (including a two-car garage, if applicable).

(k) The minimum allowed area of an accessory dwelling unit shall be no less than 150 square feet. The floor area of an attached accessory dwelling unit shall not exceed 50% of the existing or proposed primary dwelling unit floor area, with a maximum floor area of 1,200 square feet. The total area

of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(l) Accessory dwelling units shall be exempt from the parking requirements, with the exception of any parking required for the primary unit.

(m) Except as modified in this section, accessory dwelling units are subject to all municipal code and other standards applicable to any new structure, including but not limited to height, setback, lot coverage, building fees, charges and other zoning, building, and development requirements generally applicable to a proposed dwelling unit or structure in the zone in which the property is located.

(n) An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is required to have fire sprinklers.

(o) An accessory dwelling unit must receive the approval by the local health officer from the County Department of Environmental Health where a private sewage disposal system is being used.

(p) No passageway, defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit, shall be required in conjunction with the construction of an accessory dwelling unit.

(q) No additional setbacks shall be required for an existing, legally permitted garage that is converted to an accessory dwelling unit.

(r) When a garage is demolished to create an accessory dwelling unit, the replacement parking may be located in any permitted configuration allowed by the City on the same lot as the accessory dwelling unit.

(s) A 5-foot setback from the rear and interior side property lines will be required for accessory dwelling units constructed over existing, legally permitted garages.

(t) The accessory dwelling unit shall count towards the lot coverage calculations.

(u) Accessory dwelling units that conform with this section shall not be considered in the application of this section or other code, policy, or program to limit residential growth.

(v) Applications for an accessory dwelling must be submitted to the Director ("Director") on a form and with information and materials, as adopted by the Director.

(w) The Director will review and approve complete applications for an accessory dwelling unit that comply with this Section.

(x) The Director is authorized to impose fees for the construction of an accessory dwelling unit in accordance with California Government Code, Chapters 5 (commencing with Section 66000) and 7 (commencing with Section 66012).

(y) An applicant may appeal the Director's decision to the Planning Commission as provided in Section 13.04.070.

7. Outdoor Uses. All uses shall be conducted completely within an enclosed building. The following uses may be permitted to operate outdoors, within their respective districts and subject to any required reviews and permits (Table 10.30.030.A):

(a) Mining;

(b) Outdoor recreation facility;

(c) Public park and playground;

(d) Stables;

(e) Antenna;

(f) Swimming pools;

(g) Agricultural uses;

(h) Animal and chicken keeping;

(i) Other activities and uses similar to those above as determined by the Director.

8. Congregate Care Facility Amenities. All new congregate care facilities shall provide adequate amenities, that may include and not be limited to, swimming pools, fitness centers, spas, card rooms, billiards/game rooms, music rooms, reading rooms, internet lounges, etc. to the satisfaction of the Director.

9. Single Room Occupancy (SRO) Dwellings. Single room occupancy dwellings are allowed in multiple-family residential zones. SRO dwellings are subject to all Municipal Code and other standards applicable to any new multiple-family residential building, including, but not limited to, density, height, setback, on-site parking, lot coverage, development review, compliance with the California Building Code, building fees, charges and other requirements generally applicable to a proposed multiple-family development in the Zone District in which a property is located.

10. Limited and General Group Care Facilities. Limited Group Care Facilities are allowed in residential zones, subject to applicable sections of the Health and Safety Code. General Group Care Facilities are subject to approval of a Conditional Use Permit, to include a review of hours of operation, security, loading requirements, and site management. All Group Care Facilities shall be subject to regulations that apply to other residential dwellings of the same type in the same zoning, pursuant to Government Code Section 65589.5.

11. Transitional and Supportive Housing. This housing, as defined in Section 13.04.140, is allowed in residential zones pursuant to Government Code Section 65583(a)(5), and is subject to regulations that apply to other residential dwellings of the same type in the same zone.

12. Agricultural Employee Housing. This housing, as defined in Section 13.04.140, is allowed in residential districts pursuant to Health and Safety Code Sections 17021.5 and 17021.6 and is subject to regulations that apply to other residential dwellings of the same type in the same zone. (Ord. 546 § 3, 2017; Ord. 517 § 5, 2013; Ord. 513 §§ 3, 4, 2012; Ord. 495 § 3, 2010; Ord. 469 §§ 5 and 7, 2007; Ord. 438 § 1, 2003)

13.10.040 Site development criteria.

A. The site development criteria are intended to provide minimum standards for residential development. This section shall not be construed to supersede more restrictive site development standards contained in the conditions, covenants and restrictions of any property or dwelling unit. However, in no cases shall private deed restrictions permit a lesser standard in the case of a minimum standard of this section or permit a greater standard in the case of a maximum standard of this section.

TABLE 13.10.040A
BASIC DEVELOPMENT STANDARDS—RESIDENTIAL

	HL	R-1	R-1A	R-2	R-7	R-14	R-22	R-30
1. Minimum Net Lot Area (in square feet)	Avg. 40,000 Min. 30,000	Avg. 20,000 Min. 15,000	Avg. 10,000 Min. 8,000	6,000	none	none	none	none
2. Density Ranges (in du/gross acre)	0-1	1-2	2-4	2-5	7-14	14-22	22-30	30
3. Minimum Lot Dimensions (width/depth) (feet)	150*/150	100*/100	80*/100	60/90	none	none	none	none
4. Minimum Flag Lot Frontage	20 feet	20 feet	20 feet	20 feet	36 feet	36 feet	36 feet	36 feet
5. Maximum Lot Coverage	25%	30%	35%	40%	55%	60%	70%	75%
6. Minimum Setbacks (in feet)								
Front[5, 6]	30	20	20	20	20	10	10	10
Exterior side yard	15	15	15	10	10	10	10	10
Interior side yard	10	10	8	5	10	10	10	10 or 15**[2]
Rear	35	25	25	20	10	10	10	10 or 15**[2]
7. Maximum Height (in feet)	35 (two stories)	35 (two stories)	35 (two stories)	35 (two stories)	35 (two stories)	45 (three stories)	55 (four stories)	55 (four stories)
8. Private Open Space (in sq. ft. per unit)	—	—	—	—	100	100	60	60
9. Common Open Space (sq. ft. per unit)[3, 4]	—	—	—	—	150	150	100	100

Notes:

* For lots located on cul-de-sacs and 90-degree radius turn streets (knuckles), the minimum lot frontage shall be 60% of the above minimum lot width, measured at the front property line. All lots on cul-de-sacs and knuckles must meet the minimum lot width for the zoning district, as identified in the table above, at a distance from the property line equal to 50% of the minimum lot depth.

**[2] 15 feet when abutting a Single-family Residential Zone and buildings exceed 35 feet (two stories).

[3] A minimum of 50% of the required common open space must be consolidated in one area with a minimum dimension (width and length) of 20 feet; however, a minimum of 500 sq. ft. of common open space in one area with a minimum dimension (width and length) of 20 feet must be provided. Refer to Section 13.10.040.E for recreational amenities.
[4] Refer to Section 13.30.020.K for Senior Housing Usable Open Space.
[5] Refer to Section 13.10.040.B for Front Setbacks along Mobility Element Streets.
[6] Refer to Section 13.10.050 for Variable Front Yard Provisions.

B. Ultimate Density. The ultimate density allowed in any residential district shall be determined through the review process and public hearing process as described in this code. The Director or the Planning Commission shall have the authority to reasonably condition any residential development to ensure proper transition and compatibility to adjacent residential developments, existing or proposed.

C. Basic Development Standards. Table 13.10.040A sets forth minimum development standards for residential development projects.

D. Front Setbacks Along Mobility Element Streets. It is the intent of this section to create streetscape standards for building and parking setbacks that help to identify the function of streets and to improve the scenic quality and compatibility of residential development within the community. The following table, Table 13.10.040B sets forth the minimum setbacks based upon the street classification in the mobility element of the general plan. These setbacks shall be required for all new residential development projects located on major arterials, prime arterials or collector streets, which entail new construction on undeveloped property. Building additions subsequently done by property owners in single-family residential districts will be allowed to standard setbacks.

TABLE 13.10.040B
FRONT SETBACKS[a] ALONG MOBILITY ELEMENT STREETS

FEATURE	BUILDING	PARKING
1. Detached SFR		
a) Major/Prime Arterials	35 ft.	10[b] ft.
b) Collector Street	25 ft.	10[b] ft.
2. Attached SFR and MFR		
a) Major/Prime Arterials	25 ft.	10 ft.
b) Collector Street	20 ft.	10 ft.

Notes:
a. Setbacks contained in Table 13.10.040B shall be measured from the ultimate right-of-way location.
b. For parking other than that provided by private driveways.

E. Planned Residential Developments. Planned Residential Developments are created by approval of a tentative map or tentative parcel map and are subject to all development requirements of the applicable zone, except as modified in Table 13.10.040E.

TABLE 13.10.040E

DEVELOPMENT STANDARDS FOR RESIDENTIAL LOTS WITHIN A PLANNED RESIDENTIAL DEVELOPMENT

	R-7	R-14
1. Minimum Net Lot Area (in square feet)	none	none
2. Minimum Lot Dimensions* (width/depth) (feet)	none	none
3. Maximum Lot Coverage	55%	60%
4. Minimum Setbacks (in feet)		
Front[1]	10	10
Exterior side yard	5	5
Interior side yard	5	5
Rear	10	10

Notes:

[1] Flag lots are prohibited within a Planned Residential Development
[2] For new PRDs, a minimum 10-foot setback shall apply along the property line between adjacent development.

F. Recreation Area/Facility. For all development within the R-7, R-14, R-22 and R-30 districts, the developer shall provide recreational amenities in conjunction with common open space, such as, but not limited to, swimming pools and spas, court facilities (e.g., tennis, basketball, volleyball). In addition, enclosed tot lot facilities with play equipment, and large open lawn areas are required. All recreation areas or facilities required by this section shall be maintained by private homeowners' associations or private assessment districts.

G. Building Separation. Main buildings must maintain a minimum separation of ten feet from each other. Accessory structures must maintain a minimum separation of five feet from all other structures.

H. Storage Space. In the R-7, R-14, and R-22 districts, a minimum of 150 cubic feet of lockable enclosed storage per unit shall be provided in an easily accessible location for all residents (garages, carports, private patios). Storage area shall be in addition to any minimum size requirements for garages, carports, private patios or other areas. Substitutions meeting the intent of this requirement may be approved. In the R-30 district, development projects shall provide a minimum of 200 cubic feet of lockable enclosed storage space for residents which may be located in common areas.

I. Trash Enclosures. Trash enclosures or individual trash bins must be provided for all developments within the R-7, R-14, R-22 and R-30 zones. When trash enclosures are provided a minimum of two must be provided on-site when dumpsters and commercial waste disposal are to be provided for the development. Additional trash enclosures shall be provided as needed to meet the requirements of Chapter 13.36 of the City of Santee Municipal Code. The enclosures shall be designed to the satisfaction of the Director and shall include a minimum six-

foot high decorative wall or solid fence with a solid metal gate painted to match the on-site buildings. All dumpsters shall have an attached waterproof cover that shall be kept closed at all times. The trash enclosures shall be easily accessible, shall not be located within any required setback or landscape area and shall not block any required parking area or driveway. When individual trash bins are provided, an additional ten square feet of storage area shall be provided in addition to the required garage space for each unit. Curbside trash collection for individual units is an acceptable alternative when access to receptacles is adequate, subject to the satisfaction of the Director. All developments must also comply with the current stormwater requirements

J. Energy Conservation. This section sets forth requirements for energy conservation features. All appliances and fixtures shall be energy conserving (e.g., reduced consumption showerheads, water conserving toilets, etc.). The requirements for the energy efficiency of buildings are set forth in the current California Energy Code for Climate Zone 10 in which the City is located.

K. Equipment Screening. Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of material, color, shape and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable. (Ord. 546 § 3, 2017; Ord. 517 § 5, 2013; Ord. 495 § 3, 2010; Ord. 491 § 1, 2009; Ord. 478 § 1, 2008; Ord. 471 § 1, 2007; Ord. 438 § 1, 2003)

13.10.050 Special development criteria.

The special development criteria set forth in this section are intended to provide minimum standards for residential development.

A. Attached and Detached Residential Accessory Structures.

1. Attached and detached residential accessory structures which require a building permit (including, but not limited to, unenclosed patio covers, cabanas, garages, carports, and storage buildings) may encroach in a required interior side yard or rear yard, except as required in Table 13.10.040A, subject to the following limitations:

   (a) Height. The maximum height for accessory structures is fifteen feet (one story).

   (b) Coverage. A maximum 30% building coverage shall apply within the rear setback area.

   (c) Rear Yard Setback. Attached and detached residential accessory structures or additions may be located five feet from the rear property line, excluding eave overhang.

   (d) Side Yard Setback. The minimum side yard setback of the base district or that of the existing main building shall apply, whichever is less, except

attached or detached accessory structures may be located a minimum setback of five feet from the interior side property line only within the rear yard area, excluding eave overhang. Attached and detached residential accessory structures may not encroach into required exterior side yard setbacks.

(e) Front Yard and Corner Side Yard. No detached residential accessory structure shall be placed in front of the main structure.

(f) Size. The maximum allowable gross floor area for all detached residential accessory structures in conjunction with an existing single-family residence shall not exceed 50% of the living area of the primary residence. A 400 square foot detached garage is permitted in all cases if a garage does not currently exist on-site.

(g) Additional Standards for Accessory Structures. The following items may be allowed in an accessory structure, such as a garage, workshop, cabana, or similar structure, with recording of a City-approved deed restriction:

(i) Wetbar / kitchen

(ii) Wash basin (sink and drain)

(iii) Bathroom.

B. Projections into Yards.

1. Eaves, roof projections, awnings, and similar architectural features may project into required yards a maximum distance of two feet, provided such appendages are supported only at, or behind, the building setback line.

2. Fireplace chimneys, bay windows, balconies, fire escapes, exterior stairs and landings and similar architectural features and equipment for pools and air conditioning may project into required yards a maximum distance of two feet, provided such features shall be at least three feet from a property line. Equipment must be screened with materials and colors that blend with the building design.

3. Uncovered decks, platforms, uncovered porches, and landing places which do not extend above the first floor level of the main building and are not at any point more than thirty-two inches above grade, may project into any front or corner side yard a maximum distance of ten feet, and project into any rear or interior side yard up to the property line. Where not extending above the first floor level but where greater than thirty-two inches above grade, must be at least five feet from all side property lines and ten feet from the rear and front property lines.

4. Projections Over a Slope. If a structure is constructed such that it projects over a slope, and the structure is visible from a public street, the underside of the

structure shall either be enclosed or landscaping shall be provided to screen the structure from public view to the satisfaction of the Director.

5. Two-story additions may encroach a maximum of five feet into the required rear yard setback if the Director determines that the encroachment is necessary for a continuation and extension of the architectural design, style, and function of the structure.

C. Projections Above Height Limits. Except as provided for in Chapter 13.34, flues, chimneys, antennas, elevators, other mechanical equipment, utility, and mechanical features may exceed the height limit of the base district in Table 13.10.040(A) by no more than fifteen feet, provided such feature shall not be used for habitable space and appropriate screening is provided as determined by the Director. Architectural appurtenances to churches and other religious institutions involving a steeple, or cross combination thereof, and clock towers, may exceed the maximum height of the base district if it is determined through the development review permit or conditional use permit process that architectural compatibility and appropriate building scale are achieved and maintained.

D. Solar Access. This section sets forth provisions for solar access. The provisions of this section shall apply to all residential districts.

1. All new residential development projects, except condominium conversions, shall provide for future passive or natural heating or cooling opportunities (e.g., lot size and configuration permitting orientation of a structure in an east-west alignment for southern exposure, or lot size and configuration permitting orientation of a structure to take advantage of shade or prevailing breezes).

   (a) Consideration shall be given to local climate, to contour, to lot configuration and to other design and improvement requirements.

   (b) Consideration shall be given to provide the long axis of the majority of individual lots within twenty-two and one-half degrees east or west of true south for adequate exposure for solar energy systems.

2. The location of a roof mounted solar collector is required to comply with the local building and fire regulations. A ground mounted solar collector is required to comply with the height and setback requirements in Section 13.10.050.

3. All dwelling units within subdivisions shall have a minimum of 100 square feet of solar access for each dwelling unit.

E. Variable Front Yard Provisions. Front setbacks required by the base district may be averaged on the interior lots within a new single-family detached or detached condominium subdivision. Additions to single-family homes in established residential subdivisions shall be allowed to build to the pre-established front yard setback of the subdivision without the need for a variance.

F. Fences, Walls and Hedges. The following provisions regarding fences, walls and hedges shall apply to all residential districts.

1. Fences, walls, hedges, or similar view obstructing structures or plant growth that reduce visibility and the safe ingress and egress of vehicles or pedestrians shall not exceed a height of three and one-half feet in the front yard. A combination of solid and open fences (e.g. wrought iron, chain link, Plexiglas) not exceeding six feet in height may be located in a required front yard or visibility clearance area, provided such fences are constructed with at least 90% of the top two and one-half feet of their vertical surface open, and non-view obscuring.

2. Fences or walls, not exceeding six feet in height, may be located in a required exterior side yard, rear, or interior side yard. Walls required by the City for noise mitigation may be up to eight feet in height and may be located within the exterior side yard setback or rear setback adjacent to a street. The noise wall shall be designed such that it does not reduce visibility and the safe ingress and egress of vehicles or pedestrians.

3. 3. A visibility clearance area shall be required on corner lots in which nothing shall be erected, placed, planted or allowed to grow exceeding three and one-half feet in height. Such area shall consist of a triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along said street lines 20 feet from the point of intersection.

4. Outdoor recreation court fences not exceeding twelve feet in height shall be located five feet from any rear or side property lines, except when adjacent to outdoor recreation courts on adjacent properties.

5. Barbed wire, concertina wire, or similar security devices are not allowed in residential zones.

6. Walls constructed next to a Mobility Element Street shall be constructed with decorative materials to the satisfaction of the Director. Anti-graffiti surfaces shall be provided pursuant to Chapter 7.16.

G. Swimming Pools, Spas and Recreational Courts.

1. Swimming pools, spas, tennis courts, basketball courts, or similar paved outdoor recreational courts, shall not be located in any required front yard, and shall be located no closer than three feet from any rear, side or corner side property line.

2. Outdoor lighting poles and fixtures are permitted not to exceed twelve feet in height. Any such lighting shall be designed to project light downward and shall not create glare on adjacent properties.

H. Mobile Home Parks. For mobile home park development provisions, refer to Chapter 13.22.

I. Use of Required Yards.

1. Street Yards. Except as otherwise permitted, a street yard shall be used only for landscaping, pedestrian walkways, driveways, or off-street parking.

2. Rear and Interior Side Yards. Except as otherwise permitted, these yards shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or similar accessory activities.

J. Lights. All public parking areas shall be adequately lighted. All lighting shall be designed and adjusted to reflect light away from any road or street, and away from any adjoining premises. All lights and illuminated signs shall be shielded or directed so as to not cause glare on adjacent properties or to motorists. (Ord. 546 § 3, 2017; Ord. 438 § 1, 2003)

13.10.060 General provisions.

A. Property Maintenance. All buildings, structures, yards and other improvements shall be maintained in a manner which does not detract from the appearance of the immediate neighborhood. The following conditions are prohibited:

1. Dilapidated or deteriorating structures, including, but not limited to, fences, roofs, doors, walls, and windows.

2. Accumulation of scrap lumber, junk, trash, debris, or inoperative vehicles is prohibited.

3. Parking of vehicles on an unpaved surface.

4. Repair of automobiles or other vehicles shall be limited to incidental work on personal vehicles legally owned by the resident only pursuant to the provisions contained in Section 13.10.060B of this title.

5. Swimming pools that are not properly treated with chemicals as well as pools, with or without water, that are not properly fenced to prohibit access, thereby creating a threat to the public health and safety.

B. Vehicle and Equipment Repair and Storage. The following provisions shall apply to any vehicle, motor vehicle, camper, camper trailer, trailer, unmounted camper, trailer coach, motorcycle, boat or similar conveyance in all residential districts, and to all sites in any other district used for residential occupancy:

1. Off-street parking, driveways, and storage of the above conveyances shall be conducted on an approved surface only, including cement, cement pavers, asphalt, and gravel. The entire area beneath the conveyance must be covered with an approved surface. Such conveyances shall be prohibited to be parked or stored on unpaved surfaces, such as lawns or dirt surface, subject to the following:

(a) Paved areas shall not exceed 50% of the required front yard area including all areas used for parking of vehicles and the area providing access to such parking areas. This section shall not prohibit the paving of a standard width driveway (twenty feet) to a required off-street parking area on a cul-de-sac lot, or other similar narrow lot as determined by the Director.

(b) Approval of more than 50% pavement coverage with the exception of a cul-de-sac lot or other similar narrow lot described above is subject to a minor exception permit pursuant to Section 13.06.050 of this title.

2. Servicing, repairing, assembling, disassembling, wrecking, modifying, restoring, or otherwise working on any of the above conveyances shall be prohibited unless conducted within a garage or accessory building.

3. Storing, placing or parking any of the above conveyances, or any part thereof, which is disabled, unlicensed, unregistered, inoperative, or from which an essential or legally required operating part is removed, shall be prohibited unless conducted within a garage or accessory building.

4. Notwithstanding the provisions of paragraphs one and two above, emergency or minor repairs and short-term or temporary parking of any of the above conveyances, when owned by a person residing on the lot, may be conducted for an aggregate period of up to twenty-four hours in any continuous period of forty-eight hours exclusive of the screening requirements.

5. For the purpose of this section, references to types of conveyances shall have the same meaning as defined in the Vehicle Code of the State of California, where such definitions are available.

C. Unless otherwise specified within this code or by conditional use permit, all activities, work and storage of materials within residential districts shall entirely be within an enclosed building. (Ord. 438 § 1, 2003)

EXHIBIT 6

CHAPTER 13.12 COMMERCIAL/OFFICE DISTRICTS

13.12.010 Purposes and general plan consistency.

A. The following objectives have been formulated for the commercial and office districts for the implementation of the general plan goals and objectives:

1. Provide appropriately located areas for office uses, retail stores and service establishments to meet the needs of the community;

2. Promote and encourage office and commercial locations and designs to be conveniently accessible by bicycle and foot, as well as by automobile;

3. Promote and encourage office and commercial uses to be designed in centers or like groups for the convenience of the public and to avoid creating nuisances among adjacent land uses;

4. Use and promote open spaces and landscaping to create a visually pleasing environment, as well as to distinguish city and neighborhood boundaries;

5. Intensified or regional-related commercial uses shall be organized and designed to promote maximum opportunity for transit usage;

6. It is intended that commercial/office uses and developments will promote social interaction and minimize adverse environmental impacts and resource consumption;

7. Commercial and office developments shall exhibit the highest standards of site planning, architecture and landscape design;

8. Regarding all properties designated as general commercial, neighborhood commercial or office professional: Development and redevelopment shall be comprehensively designed, entitled and developed whenever it is determined by the City that the permitting of incremental construction and uses may significantly inhibit or otherwise be detrimental to fulfilling the economic and development potential of the site. Any development review permit, conditional use permit or minor conditional use permit which is not consistent with this policy shall be denied. (Ord. 451 § 4, 2005; Ord. 152, 1985)

13.12.020 Commercial office districts.

These districts have been created for implementation of the goals, objectives and land use designations of the general plan.

A. Office/Professional District (OP). This district is intended primarily for the development of professional/administrative offices and personal services rather than

commodities. Site development regulations and performance standards are designed to make such uses relatively compatible with residential uses.

B. Neighborhood Commercial District (NC). This district is intended to provide areas for immediate day-to-day convenience shopping and services for the residents of the immediate neighborhood. Site development regulations and performance standards are intended to make such uses compatible to and harmonious with the character of surrounding residential or less intense land use area.

C. General Commercial District (GC). This district is intended for general commercial activities and services of more intensive nature. These uses would be located primarily along major transportation routes and would include major shopping facilities, major service-oriented uses, and major financial and corporate headquarters which are designed to serve the City or the region as a whole. (Ord. 152, 1985)

13.12.030 Commercial and office use regulations.

Uses listed in Table 13.12.030A shall be allowable in one or more of the commercial districts as indicated in the columns beneath each district heading. Where indicated with the letter "P," the use shall be a permitted use in that district. Where indicated with the letter "C," the use shall be a conditional use subject to a conditional use permit in that district. Where indicated with the letters "MC", the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash "—", or if the use is not specifically listed in Table 13.12.030A and is not subject to the use determination procedures contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants, and restrictions of any property. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
A. Offices and Related Uses.			
1. Administrative and executive offices	P	P	P
2. Bail bonds office	P	—	P
3. Clerical and professional offices	P	P	P
4. Financial services and institutions	P	P	P
5. Medical, dental and related health administrative and professional offices services (non-animal related) including laboratories and clinics; only the sale of articles clearly incidental to the services provided shall be permitted	P	P	P
6. Accessory commercial uses when incidental to an office building or complex (blueprinting, stationery, quick copy, etc.)	P	P	P
B. General Commercial Uses.			
1. Antique shops	—	P	P
2. Animal care facility, small animal only (animal hospital, veterinarian, commercial kennel, grooming)			
(a) Excluding exterior kennel, pens or runs	—	P	P
(b) Including exterior kennel, pens or runs	—	—	C
3. Apparel Stores	—	P	P
4. Art, music and photographic studios and/or supply stores	P	P	P
5. Dance, gymnastics, martial arts, or fitness / sports school or studio	—	P	P
6. Appliance repair and incidental sales including, but not limited to small household appliances, computers and vending machines, and provided all work activities and storage occurs entirely within an enclosed building.		P	P
7. Arcades, more than amusement devices (see special requirements per Section 13.12.030(F); also subject to the provisions contained in Title 4 of this code).		MC	MC
8. Athletic and health clubs	P	P	P
9. Auction house (conducted completely within an enclosed building and subject to the provisions contained in Title 4 of this Code)			P
10. Automotive services including automobiles, trucks, motorcycles, boats, trailers, mopeds, recreational vehicles or other similar vehicles as determined by the Director.			
(a) Sales			C
(b) Rentals			
(i) With on-site vehicle storage	—	MC	MC
(ii) No on-site vehicle storage	P	P	P

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
(c) Repairs including painting, body work and services			P
(d) Washing (coin and automatic)		MC	P
(e) Service or gasoline dispensing stations including mini-marts, accessory car washes, and minor repair services accessory to the gasoline sales		C	C
(f) Parts and supplies excluding auto recycling or wrecking		P	P
11. Bakeries		P	P
12. Barber and beauty shops and/or supplies	P	P	P
13. Bicycle sales and shops (non-motorized)		P	P
14. Blueprint and photocopy services	P	P	P
15. Book, gift and stationery stores (other than adult related material)	P	P	P
16. Candy stores and confectioneries		P	P
17. Catering establishments (excluding mobile catering trucks)			P
18. Cleaning and pressing establishments, retail	P	P	P
19. Cemeteries			
20. Commercial recreation facilities			
(a) Indoor uses including, but not limited to, bowling lanes, theaters, and billiard parlors			P
(b) Outdoor uses, including, but not limited to, golf, tennis, basketball, baseball, trampolines, and drive-in theaters			C
21. Contractor (all storage of material, equipment within an enclosed building)			P
22. Dairy products stores		P	P
23. Department stores		P	P
24. Drive-in business (excluding theaters and fast food restaurants)		P	P
25. Drug stores and pharmacies	P	P	P
26. Equipment sales/rental yards (light equipment only)			MC
27. Farmer's Market (See Section 13.12.030(G)(4))		MC	MC
28. Feed and tack stores (all supplies and materials within an enclosed building			P
29. Florist shops	P	P	P
30. Food and beverage sales or service			
(a) Cocktail lounge, bar or tavern			
(i) Not accessory to a restaurant and with or without entertainment, other than adult related	C	C	C
(ii) Accessory to a restaurant, coffee shop and with or without entertainment, other than adult related	P	P	P
(b) Nightclubs or dance halls, not including adult related entertainment		C	C
(c) Snack bars, delicatessens, or refreshment stands, take-out only, and accessory to an office use	P	P	P

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
(d) Fast food restaurants with drive-in or drive-through service		C	C
(e) Restaurants or coffee shops, other than fast food with or without alcoholic beverages and without entertainment	P	P	P
(f) Supermarkets (including the sale of alcoholic beverages)		P	P
(g) Convenience markets		P	P
(h) Liquor stores		C	C
(i) Clubs and lodges with alcoholic beverage service		C	C
31. Furniture stores, repair and upholstery		P	P
32. General retail stores		P	P
33. Hardware stores		P	P
34. Home improvement centers			
(a) Material stored and sold within enclosed buildings		P	P
(b) Outdoor storage of material such as lumber and building materials			MC
35. Hotels and motels	C		C
36. Interior decorating service	P	P	P
37. Janitorial services and supplies		P	P
38. Jewelry Stores		P	P
39. Kiosks for general retail and food sales, key shops, film drops, automatic teller machines, etc. in parking lots	MC	MC	MC
40. Laundry, self-service		P	P
41. Limousine service (limousines shall not be stored in any required parking spaces)			P
42. Locksmith shop		P	P
43. Mining	C	C	C
44. Mobile home sales			C
45. Mortuaries, excluding crematoriums			P
46. Newspaper and magazine stores	P	P	P
47. Nightclub, teenage			C
48. Nurseries (excluding horticultural nurseries) and garden supply stores; provided all equipment, supplies and material are kept within an enclosed building		P	P
(i) with outdoor storage and supplies		MC	MC
49. Office and business machine stores and sales	P	P	P
50. Parking facilities (commercial) where fees are charged	P		P
51. Pawnshop			P
52. Parcel delivery service (excluding on-side truck storage and truck terminals)			P
53. Political or philanthropic headquarters	P	P	P

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
54. Pet shop*		P	P
55. Plumbing shop and supplies (all materials stored within an enclosed building)		P	P
56. Printing and publishing	P		P
57. School, business or trade (all activities occurring within an enclosed building	P	P	P
58. School, commercial (all activities occurring within an enclosed building)		P	P
59. Second hand store or thrift shop		P	P
60. Shoe stores, sales and repair		P	P
61. Shopping center subject to provisions in Section 13.12.030(F)		C	C
62. Small collection facility	P	P	P
63. Spiritualist readings or astrology forecasting			P
64. Sporting goods stores		P	P
65. Stamp and coin shops		P	P
66. Swimming pool or spa sales and/or supplies		P	P
67. Tailor or seamstress	P	P	P
68. Tanning salon, massage, and other body conditioning services		P	P
69. Tattoo parlor or body piercing salon			
70. Taxidermist			P
71. Television, radio sales and service		P	P
72. Tire sales and installation, not including retreading and recapping			P
73. Toy stores		P	P
74. Travel agencies	P	P	P
75. Transportation facilities (train, bus, taxi depots)	C	C	C
76. Variety stores		P	P
C. Public and Semi-Public Uses			
1. Ambulance service	C	C	C
2. Art galleries and museums, public or private	P	P	P
3. Biological habitat preserves (unless otherwise approved by another entitlement)	P	P	P
4. Churches, convents, monasteries and other religious institutions	C	C	C
5. Clubs and lodges, including YMCA, YWCA and similar group uses without alcoholic beverage sales, (Clubs and lodges serving or selling alcoholic beverages shall come under the provisions of Subsection 13.12.030.B. 30 of this title)	MC	MC	MC
6. Convalescent facilities and hospitals	C		C
7. Day care center facilities	C	C	C
8. Detention facility	—	—	—
9. Educational facilities, excluding business or trade schools and commercial schools	C	C	C

TABLE 13.12.030A USE REGULATIONS FOR COMMERCIAL/OFFICE DISTRICTS			
USE	**OP**	**NC**	**GC**
10. 10. Library	P	P	P
11. Parks and recreation facilities, public or private (excluding commercial recreation facilities)	C	C	C
12. Post office	P	P	P
13. Public buildings and facilities	C	C	C
14. Radio or television broadcast studio	—	—	C
D. Accessory Uses			
1. Auxiliary structures and accessory uses customarily incidental to a permitted use and contained on the same site.	P	P	P
2. Caretaker's living quarters only when incidental to and on the same site as a permitted or conditionally permitted use.	P	P	P
3. Amusement devices, per Section 13.12.030(F)	—	P	P
E. Temporary Uses			
1. Temporary Uses subject to the provisions contained in Section 13.06.070	P	P	P

* Subject to pet sourcing requirements of the State of California.

F. Special Use Regulations.

1. Amusement Devices. The use of amusement devices, as defined in Chapter 13.04, as an accessory use to a permitted use, shall be regulated based on the following criteria:

   (a) No more than five devices may be permitted per business without approval of a conditional use permit. Each machine and playing area shall occupy a minimum of ten square feet of floor area.

   (b) The devices shall not obstruct or crowd entries, exits, or aisles;

   (c) Adult supervision (persons aged twenty-one and above) is required and the devices must be placed in an area which is visible to the supervisor at all times.

2. Arcades. A conditional use permit is required to establish an arcade, as defined in Chapter 13.04. The following information is required to process the permit application: Adult supervision to be provided, hours of operation, proximity to schools and other community uses, compatibility with the surrounding neighborhood and businesses, noise attenuation, bicycle facilities, size and location of interior waiting areas and any other information deemed necessary by the Director.

   (a) Each application shall contain a description of the types of machines, a floor plan, and any other information deemed necessary by the Director.

3. Shopping Centers. To ensure that the goals and policies of the general plan are implemented, a conditional use permit shall be required for shopping centers. In such a review, the following criteria shall be considered:

   (a) The transition from more sensitive land uses and buffering methods to mitigate commercial activities such as loading, lighting, and trash collection;

   (b) The center has been planned as a group of organized uses and structures;

   (c) The center is designed with one theme, with buildings and landscaping consistent in design (similar architectural style, similar exterior building materials, and a coordinated landscaping theme);

   (d) The center makes provisions for consistent maintenance, reciprocal access and reciprocal parking;

   (e) Vehicle and pedestrian access is coordinated and logically linked to provide a comprehensive circulation system;

(f) The development or approval of any portion of a center shall require the development of a conceptual development plan which shall consider such things as, but not limited to, circulation, uniform architectural design, drainage/grading, buffers, phased improvements and landscaping.

4. Congregate Care Facility Amenities. All new congregate care facilities shall provide adequate amenities, that may include and not be limited to, swimming pools, fitness centers, spas, card rooms, billiards/game rooms, music rooms, reading rooms, internet lounges, etc., to the satisfaction of the Director.

G. Condition of Uses.

1. Outdoor Displays and Sales of Merchandise. All businesses shall be conducted completely within an enclosed building. The following outdoor sales and commercial activities may be permitted to operate outdoors, within their respective districts and subject to any required reviews and permits:

(a) Automobile, boat, trailer, camper, and motorcycle sales and rental (subject to a conditional use permit);

(b) Building material, supplies and equipment, rental and sales (subject to a conditional use permit);

(c) Farmer's market (subject to the provisions of subdivision (3) of this subsection) fruit and vegetable stands (requires temporary use permit);

(d) Horticultural nurseries (subject to a conditional use permit);

(e) Gasoline pumps, oil racks, and accessory items when located on pump islands;

(f) Outdoor display of merchandise as accessory to current on-site business (subdivision (3) of this subsection);

(g) Outdoor recreation uses;

(h) Parking lot and sidewalk sales (subject to Section 13.06.070) temporary use permit and regulations set forth in this chapter); and

(i) Other activities and uses similar to those above as determined by the Director;

(j) Outdoor eating areas (subject to a minor conditional use permit). For accessory outdoor eating areas in conjunction with a food establishment that features take-out service; see subdivision (5) of this subsection.

2. Parking Lot and Sidewalk Sales. Parking lot and sidewalk sales are permitted in the commercial districts as described in Section 13.06.070 of this title.

3. Outdoor Display of Merchandise Accessory to Current On-site Business. Any outdoor display must be done in conjunction with the business being conducted within the building and shall comply with the following regulations:

   (a) The aggregate display area shall not exceed 25% of the linear frontage of the storefront or six linear feet, whichever is greater;

   (b) Items shall not project more than four feet from the storefront;

   (c) No item, or any portion thereof, shall be displayed on public property; provided, however, items may be displayed within the public right-of-way if an encroachment permit has first been procured from the City;

   (d) Items shall be displayed only during the hours that the business conducted inside the building on the premises is open for business;

   (e) No item shall be displayed in a manner that causes a safety hazard; obstructs the entrance to any building; interferes with, or impedes the flow of, pedestrian or vehicle traffic; is unsightly or creates any other condition that is detrimental to the public health, safety or welfare or causes a public nuisance.

4. Farmer's Markets. Parking lot display and sale of produce and other agricultural products such as, but not limited to, fruits, vegetables, nuts, honey, eggs, herbs, flowers and plants may be permitted in the general commercial zone subject to approval of a minor conditional use permit and the following criteria:

   (a) The design, location and size of booths or method of display, signage, and the associated facilities and times of operation shall be reviewed and approved through the minor conditional use permit process;

   (b) A parking study shall be provided to determine if adequate off-street parking and traffic and pedestrian circulation exists for all existing on-site uses while the market is open for business;

   (c) All required permits from the San Diego County Health Services Department shall be obtained.

5. Accessory Eating Areas Permitted. For food establishments which primarily feature takeout service, up to sixteen seats are permitted as accessory eating. Food establishments with accessory eating area will not be considered restaurants for the purpose of determining required parking. In addition, if outdoor eating is provided as an accessory use, it will not be considered an expansion of the use for determining parking needs. The seating may be provided indoors or outdoors. The provisions of this subdivision do not apply to drive-through fast-food restaurants. The following performance standards shall apply to outdoor eating:

(a) The outdoor eating area shall be arranged in such a way that it does not create a hazard to pedestrians or encroach on a required building exit;

(b) The outdoor eating area cannot be located in any driveway, parking space, landscaped area, or required setback;

(c) The outdoor eating area must be maintained so that it is not unsightly and does not create a condition that is detrimental to the appearance of the premises or surrounding property;

(d) Signage may not be placed on the outdoor furniture or umbrellas, which advertise the business, service or use, or any product unless otherwise permitted by the sign ordinance.

6. Specialized Retail Sales and Food Services from Pushcarts. The following standards apply to all requests to establish a pushcart for specialized retail sales or food sales on private property in the general commercial, neighborhood commercial or office professional zones.

(a) Pushcarts shall be located on private property and shall not be located in areas that:

(i) Reduce the amount of required parking on the site.

(ii) Interfere with vehicular or pedestrian circulation.

(iii) Present a traffic hazard.

(iv) Result in the removal of mature landscaping (unless additional landscaping is provided elsewhere on the subject site).

(v) Within the town center specific plan area, pushcarts shall not be located within any corridor open space area.

(b) The pushcart owner or, if the owner does not operate the business, the pushcart operator is required to obtain a city business license and any required permits from the building division. A health permit from the county department of health services may also be required.

H. Abandoned or Converted Service Stations

1. Abandoned Service Stations. Service stations which become vacant or cease operation beyond 180 days shall be required to remove all underground storage tanks (unless waived by the Santee Fire Department), remove all gasoline pumps and pump islands, and shall remove freestanding canopies. In order to prevent said action, the owner must supply the Director with written verification prior to the 180th day from the time operations ceased that an allocation of gas has been received and operation of the station will commence within 30 days of the date of

written correspondence. If the service station is to resume operation after the 180 days, then the Director shall require the processing and approval of a development review application to ensure that the facilities will be reasonably upgraded and maintained. This could include such things as, but not limited to, replanting existing landscape areas, installing new landscape areas, painting of structures, upgrading or installing trash enclosures, striping parking spaces, installation of signs in conformance with adopted sign provisions, resurfacing vehicle access and parking areas, and installation of missing street improvements.

2. Converted Service Stations. Buildings and structures which were originally designed as a gasoline service station and which are proposed to be used for another use shall be subject to a development review or conditional use permit. The conversion of the facilities to another use may require upgrading and remodeling for such things as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of improvements or modification of existing improvements to conform to access regulations, and exterior remodeling.

I. Conversion of Residential Structures, Including Hotels and Motels.

No structure originally designed as a residence, including hotels and motels, or as an auxiliary structure or addition to a residence, shall be used for any commercial or office uses unless the building and site are improved to meet all code requirements for an office or commercial development. This includes such things as, but not limited to, building code requirements, fire code requirements, and zoning ordinance requirements. A resident may convert up to 50% of the gross floor area of the existing residence to a business use and continue to reside in the residence, provided the resident is also the owner of the business and subject to the provisions of this subsection. Any expansion of a residence that is legal nonconforming shall comply with Section 13.04.110(F) of this title. Such a conversion may also be subject to the conditional use permit process, as required by the base district use regulations contained in Table 13.12.030A. (Ord. 469 § 8, 2007; Ord. 420 Exh. C, 2002; Ord. 401 § 5, 2001; Ord. 325 § 2, 1994; Ord. 323 § 2, 1994; Ord. 314 § 2, 1993; Ord. 289 § 2, 1992; Ord. 281 § 4, 1992; Ord. 273, 1991; Ord. 266, 1991; Ord. 265, 1991; Ord. 250, 1990; Ord. 212, 1988; Ord. 152, 1985)

13.12.040 Site development criteria.

The site development criteria set forth in this section are intended to provide minimum standards for the development and use of land within the commercial/office districts. These site development criteria should be used in conjunction with the design guidelines which are set forth in Section 13.08.070. Use of the design guidelines in conjunction with these criteria will assist the designer in determining the best design for any given development project.

A. Site Dimensions and Height Limitations. Table 13.12.040A sets forth the minimum lot dimensions and height limitations. The creation of new lots within these zones shall conform to these minimum dimensions, except in the case of condominium lots or lots within a shopping center, in which case, no minimums are established. This exception is only applicable when the sites in question are being developed as one integrated development and appropriate measures are taken to insure reciprocal access, parking and maintenance.

B. Setbacks. Table 13.12.040B sets forth the minimum setbacks for buildings and parking facilities, as well as the amount of the setbacks to be landscaped. These provisions apply equally to each of the three commercial districts.

TABLE 13.12.040A SITE DIMENSIONS AND HEIGHT LIMITATIONS

FEATURE	OP	STANDARD NC	GC
1. Minimum lot width[(a)]	70 feet	300 feet	150 feet
2. Height limitations			
a. Within 50 feet of a residential district	25 feet	25 feet	25 feet
b. Other locations	40 feet (b)	40 feet (b)	40 feet (b)

Notes:

(a) Parcel created within shopping centers are exempt from these standards, as long as a conceptual development plan for the entire center has been developed and appropriate easements for reciprocal access, parking and maintenance is provided.

(b) Proposals for development exceeding this height shall require the approval of a conditional use permit.

TABLE 13.12.040B SETBACKS

YARD	BUILDING	STANDARD PARKING	LANDSCAPING
1. Street yard setback (measured from the ultimate right-of-way):			
(a) All streets	10 feet	10 feet	Entire front setback
2. Rear property line setback:			
(a) Adjacent to residential zone	20 feet	10 feet	10 feet
(b) Adjacent to commercial or industrial zone	5 feet**	0 feet	0 feet
3. Interior side property line setback:			
(a) Adjacent to residential zone	20 feet	10 feet	10 feet
(b) Adjacent to commercial or industrial zones	5 feet**	5 feet*	5 feet*

* Unless specifically waived by the Director (see Section 13.24.030(A)(10) (b))

** The five-foot rear property line and interior property line setbacks adjacent to commercial or industrial zones may be waived by the Director on two adjacent developments that share a common wall on the property line between the two lots or where a five-foot easement from the adjoining property owner has been acquired to ensure adequate maintenance of the proposed building.

(Ord. 478 § 1, 2008; Ord. 438 § 1, 2003; Ord. 152, 1985)

EXHIBIT 7

CHAPTER 13.14 INDUSTRIAL DISTRICTS*

13.14.010 Purposes and general plan consistency.

The following objectives have been formulated for the industrial districts for the implementation of the general plan goals and objectives:

A. The city should promote industrial uses adjacent to and north of Gillespie Field which support or can capitalize on the aviation opportunities available;

B. The city should promote consolidation of industrial uses into comprehensively planned industrial parks;

C. The city shall ensure that industrial development creates no significant off-site impacts concerning access and circulation, noise, dust, odors, visual features and hazardous materials that cannot be adequately mitigated;

D. The city shall promote a mix of industrial uses that provide the City with a sound, diverse industrial base;

E. The city should ensure that industrial developments provide for business service needs and the needs of employees. (Ord. 152, 1985)

13.14.020 Industrial districts.

These districts have been created for implementation of the goals, objectives and land use designations of the general plan.

A. Light Industrial District (IL).

1. This district is intended primarily for light industrial uses such as manufacturing, assembly, research and development and similar industrial uses, as well as limited commercial and office uses which are compatible and appropriate in this district. Site development regulations and performance standards are intended to make this district appropriate as a buffer between general industrial uses and nonindustrial uses and where the site is visible from residential areas or major transportation routes.

2. All work and related activity, including materials and equipment storage, is intended to be conducted specifically within enclosed facilities so as to reduce adverse impacts on adjacent uses. Outdoor storage may be allowed in specific circumstances where, through the conditional use permit process, it is demonstrated that adequate screening and buffering of the outdoor storage area can be achieved to eliminate any adverse impacts on adjacent uses and maintain visual qualities of the area.

B. General Industrial District (IG). This district is intended for a wide range of industrial activities including manufacturing, wholesale distribution, and storage. (Ord. 152, 1985)

13.14.030 Industrial use regulations.

Uses listed in Table 13.14.030A* shall be allowable in one or more of the industrial districts as indicated in the columns beneath each industrial district. Where indicated with the letter "P", the use shall be a permitted use in that district. Where indicated with the letter "C", the use shall be a conditional use subject to the conditional use permit process in that district. Where indicated with the letters "MC", the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash (—), or if the use is not specifically listed in Table 13.14.030A and is not subject to the use determination procedure contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants, and restrictions of any property. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.14.030A
USE REGULATIONS FOR INDUSTRIAL DISTRICTS

USES	IL	IG
A. Industrial Uses.		
1. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared typical materials such as, but not limited to, canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, paper (no milling), precious or semiprecious stones, metals, plaster, plastic, shells, textiles, tobacco, wood and yarns; novelty items (not including firework or other explosive type items, electrical appliances, motors and devices; radio, television, phonograph and computers; electronic precision instruments; medical and dental instruments; timing and measuring instruments; audio machinery; visual machinery; cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of fats or oils)	P	P
2. Bottling plants	P	P
3. Building materials manufacturing, subject to the provisions	—	P
4. Cement products manufacturing	—	P
5. Fruit or vegetable packing houses	C	P
6. Fruit or vegetable products manufacturing, including frozen foods	C	P
7. Furniture upholstering	P	P
8. Hazardous waste treatment facility	—	C
9. Laboratories (chemical, dental, electrical, optical, mechanical and medical)	P	P
10. Mining	C	C
11. Rubber and metal stamp manufacturing	P	P
B. Storage Trades.		
1. Contractors yards, subject to the provisions of Section 13.14.030(G)	—	MC
2. Contractor (all storage of material, equipment within an enclosed building)	P	P

USES	IL	IG
3. Equipment sales/rental yards	P	P
4. Fleet storage	MC	MC
5. General warehousing/wholesale and distribution	P	P
6. Mini storage, public storage	C	C
7. Trailer, truck or bus terminal		C
8. Vehicle storage yard		MC
9. Recreational vehicle storage facility	MC	MC
C. Services		
1. Administrative, executive, real estate, and/or research offices	P	P
2. Animal care facility		
(a) Completely within an enclosed building	P	P
(b) With exterior kennels, pens or runs	C	C
3. Appliance repair and incidental sales (including but not limited to small household appliances, computers and vending machines, and provided all work activities and storage occurs entirely within an enclosed building)	P	
4. Athletic or health clubs, indoor	MC	
5. Auction house (conducted completely within an enclosed building and subject to the provisions contained in Title 4 of this Code)	P	P
6. Automotive services, including automobiles, trucks, motorcycles, boats, mopeds, recreational vehicles, or other small vehicles as determined by the Director. All vehicles shall be stored on-site and shall not occupy any required parking space, access aisle or landscape area		
(a) Sales	C	MC
(b) Rentals	C	MC
(c) Repairs (major engine work, muffler shops, painting, body work and upholstery) completely	P	P
(d) Washing (coin and automatic)	P	P
(e) Service or gasoline dispensing stations including mini-marts with or without alcoholic beverage sales, accessory car washes, and/or minor repair services as accessory to the gasoline sales	C	C
7. Barber or Beauty Shops	P	
8. Blueprinting and photocopying	P	P
9. Catering establishments (excluding mobile catering trucks. See Fleet Storage)	P	
10. Cleaning and dyeing plant		C
11. Collection facility, large		
(a) Indoor	P	P
(b) Outdoor	C	C
12. Collection facility, small	P	P
13. Dance, gymnastics, martial arts, or fitness / sports school or studio - indoor	P	P
14. Distributors showrooms	P	P
15. Food and beverage sales or service		
(a) Cocktail lounge, bar or tavern		

USES	IL	IG
(i) Not within a restaurant and with or without entertainment, other than adult related	C	—
(ii) Accessory to a restaurant or a coffee shop, and without entertainment	P	—
(b) Nightclubs or dance halls, not including adult related entertainment	C	—
(c) Snack bars, delicatessens, or refreshment stands, accessory to a business complex	P	P
(d) Fast food restaurants with drive-in or drive-through service	—	—
(e) Restaurants or coffee shops, other than fast food		
(i) With entertainment or dancing, other than adult related, and/or serving of alcoholic beverages	P	—
(ii) Without entertainment or dancing and with or without alcoholic beverage sales	P	—
(f) Clubs and lodges serving alcoholic beverages	C	—
16. Helipad without maintenance facilities	—	C
17. Home improvement centers		
(a) Material stored and sold within enclosed buildings	P	P
(b) Outdoor storage of material such as lumber and building materials, subject to the provisions contained in Section 13.14.030(G)(2)	MC	P
18. Interior decorating service	P	P
19. Janitorial services and/or supplies	P	—
20. Locksmith shop	P	P
21. Micro-brewery, with or without tasting room and/or food service	P	P
22. Motels, hotels, and/or convention centers	C	C
23. Music or recording studio	P	—
24. Newspaper publishing, printing and distribution, general printing, and lithography	P	P
25. Nurseries, excluding horticultural nurseries, and garden supply stores provided all equipment, supplies and materials are kept within an enclosed building or fully screened enclosure and fertilizer of any type is stored in package form only	P	—
26. Parcel delivery service (excluding truck terminals)	P	P
27. Pest control service	P	P
28. Pistol, rifle or archery range (indoor only)	P	P
29. Photography studio or video production	P	P
30. Retail sales of products produced, wholesaled, or manufactured on the premises commercial when in conjunction with a permitted or conditional use not occupying more than 25% of the gross floor area	P	P
31. Rug cleaning and repair	P	P
32. School, business or trade	P	—
33. Swimming pool sales and supplies	P	—
34. Tattoo parlor and/or body piercing salon	P	—
35. Tire re-treading and recapping	—	P
36. Tobacco paraphernalia business	—	MC
37. Welding shop	P	P
D. Public and Semi-public Uses		

USES	IL	IG
1. Ambulance services	C	C
2. Biological habitat preserve (unless approved by another entitlement)	P	P
3. Clubs and lodges, including YMCA, YWCA, and similar group uses without alcoholic beverage sales. (Clubs and lodges serving or selling alcoholic beverages shall comply with Section 13.14.030.C.15 of this title)	MC	—
4. Daycare center	C	—
5. Detention facility	—	—
6. Educational facility, excluding business and trade schools and commercial schools	C	C
7. Emergency shelter (subject to the provisions of Section 13.14.030.K)	—	P
8. Parks and recreation facilities, public or private	C	—
9. Post offices and postal terminals	C	C
10. Public buildings and facilities	C	C
11. Religious institutions	C	C
12. Solid waste recycling and transfer facility	—	C
E. Accessory Uses		
1. Auxiliary structures and accessory uses customarily incidental to an otherwise permitted use and located on the same site	P	P
2. Caretakers residence only when incidental to and on the same site as a permitted or conditional use	P	P
3. Incidental services for employees on a site occupied by a permitted or conditional use, including day care, recreational facilities, showers and locker rooms and eating places	P	P
4. Overnight parking of vehicles used regularly in the business, provided all required parking spaces are available for use during business hours	P	P
5. Outdoor Storage (subject to the provisions contained in Section 13.14.030(G)(2))	MC	MC
F. Temporary Uses		
1. Temporary uses as prescribed in Section 13.06.070 and subject to those provisions	P	P

G. Outdoor Uses.

1. All uses and activities shall be conducted completely within an enclosed building with the exception of outdoor storage, which is a permitted use subject to the provisions of subdivision (2) of this subsection. The following uses and activities may be permitted to operate outdoors, within their respective districts and subject to any required reviews and permits pursuant to this code.

(a) Mining

(b) Building materials and lumber storage yards and/or contractors yards

(c) Building materials manufacturing

(d) Building equipment storage, sales, rentals

(e) Automobile fleet storage

(f) Trailer, truck or bus terminal

(g) Recreational vehicle storage yard

(h) Automobile sales, rentals, or washes

(i) Gasoline service stations

(j) Boat and camper sales

(k) Agricultural uses

(l) Outdoor recreation facilities

(m) Outdoor eating areas (subject to a minor conditional use permit). For accessory eating areas in conjunction with a food establishment that features takeout services, see Subsection (J) of this section.

(n) Telecommunication facilities (See Chapter 13.34)

(o) Satellite dish antennas (See Chapter 13.34)

(p) Other activities and uses similar to those above as determined by the Director.

2. Outdoor Storage. The outdoor storage of materials accessory to a permitted or conditionally permitted use occupying the subject site shall obtain any necessary permits and comply with the following standards:

(a) All outdoor storage which faces and is visible from a mobility element street or an exterior public street to the industrial subdivision, or which abuts property used for residential purposes, shall be enclosed with a solid decorative concrete, masonry, wood frame and stucco, or decorative block walls at least six feet high. In all other cases the outdoor storage shall be screened with material which is 100% view obscuring. The type and design of the screening material is subject to the approval of the Director. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view-obscuring construction, compatible with the fence or wall design.

(b) Stored materials shall be stacked in outdoor storage areas to a height no greater than that of any building, wall, fence, or gate enclosing the storage area and shall not be visible from a public street.

(c) No storage shall be permitted in a required setback area or required landscape area.

(d) No storage shall be permitted in a required parking space or driveway and at no time shall said storage area impede the use of any required parking space or driveway. Outdoor storage is not allowed within any secured parking area established pursuant to Section 13.14.040(C).

(e) The limits of the outdoor storage area shall be clearly defined on the site.

(f) The outdoor storage shall be limited to materials, products, or equipment used, produced or manufactured on-site by the business requesting the storage. On-site parking of fleet/company vehicles used regularly in the operation of the business, equipment attached to fleet/company vehicles, short-term customer and staff parking, and approved trash enclosures shall not be considered outdoor storage. (See Section 13.14.030(B)(4) for Fleet Storage).

H. The following shall be used in the review of prefabricated structures:

1. The use of prefabricated structures shall be compatible with surrounding uses.

2. The design of the prefabricated structures shall be compatible with and complimentary to existing structures on the site. They must conform to all standards, goals and objectives of the Santee zoning ordinance and general plan and have adequate public facilities available.

3. Adequate screening from adjacent residential areas and public streets shall be provided.

4. A permanent foundation system shall be provided, unless otherwise approved.

5. Handicap access shall be provided, unless otherwise approved.

I. Conversion of Residential Structures. No structure originally designed as a residence (including hotels and motels), or as an auxiliary structure or addition to a residence, shall be used for any industrial uses unless the building and site are improved to meet all code requirements for such a development. This includes, but is not limited to, building code requirements, fire code requirements and the zoning code requirements. A resident may convert up to 50% of the gross floor area of the existing residence for business purposes and continue to reside in the residence, provided the resident is also the owner of the business, and subject to the provisions of this chapter. Any expansion of a residence that is legal nonconforming shall comply with Section 13.04.110(F) of this title. A conversion may be subject to a conditional use permit, or minor conditional use permit process as required by the base district use regulations contained in Table 13.14.030A.

J. Accessory Eating Areas Permitted. For food establishments which primarily feature takeout service, up to a total of sixteen seats are permitted as accessory eating. Food establishments with accessory eating areas will not be considered restaurants for the purpose of determining required parking. In addition, if outdoor eating is provided as an accessory use, it will not be considered an expansion of the use for determining parking needs. The seating may

be provided indoors or outdoors. The provisions of this Subsection do not apply to drive-through fast-food restaurants. The following performance standards shall apply to outdoor eating:

1. The outdoor eating area shall be arranged in such a way that it does not create a hazard to pedestrians or encroach on a required building exit.

2. The outdoor eating area cannot be located in any driveway, parking space, landscaped area or required setback.

3. The outdoor eating area must be maintained so that it is not unsightly and does not create a condition that is detrimental to the appearance of the premises or surrounding property.

4. Signage may not be placed on the outdoor furniture or umbrellas which advertises the business, service or use, or any product unless otherwise permitted by the sign ordinance.

5. Handicapped access shall be provided.

K. Emergency Shelters are permitted on North Woodside Avenue, on the following assessor parcel numbers, subject to a non-discretionary Development Review Permit pursuant to Government Code Section 65583(a) (4), 381-170-64-00, 381-170-25-00 381-170-28-00, 381-170-54-00, 381-170-53-00, 381-170-46-00, 381-170-61-00, 381-170-62-00 or any subsequent APN for these specific sites, subject to compliance with the following:

1. An emergency shelter shall not be located within 300 feet of another shelter, pursuant to Government Code Section 65583(a)(4) (A)(v).

2. The agency or organization operating the shelter shall submit a Facility Management Plan containing facility information, including the number of persons who can be served nightly, the size and location of onsite waiting and intake areas, the provision of onsite management, exterior lighting details, and onsite security during hours of operation, as established in Government Code Section 65583(a)(4)(A). (Ord. 517 § 6, 2013; Ord. 438 § 1, 2003; Ord. 432 § 3, 2003; Ord. 431 § 3, 2003; Ord. 420 Exh. D, 2002; Ord. 401 § 6, 2001; Ord. 325 § 2, 1994; Ord. 323 § 2, 1994; Ord. 314 § 2, 1993; Ord. 284 § 3, 1992; Ord. 281 § 5, 1992; Ord. 273, 1991; Ord. 266, 1991; Ord. 250, 1990; Ord. 213 § 1, 1988; Ord. 212, 1988; Ord. 152, 1985)

13.14.040 Site development criteria.

The site development criteria set forth in this section are intended to provide minimum standards for the development and use of land within the industrial districts. These site development criteria should be used in conjunction with the design guidelines which are set forth in Section 13.08.070. Use of the design guidelines in conjunction with these criteria will assist the designer in determining the best design for any given development project.

A. General Requirements. Table 13.14.040A sets forth the minimum lot dimensions, height limitations and setbacks. The creation of new lots within these zones shall conform to these minimum dimensions, except in the case of condominium lots, in which case no minimums are established. This exception is only applicable when the sites in question are being developed as one integrated development and appropriate measures are taken to insure reciprocal access, parking and maintenance.

B. Setbacks. Table 13.14.040B sets forth the minimum setbacks for buildings and parking facilities, as well as the amount of the setbacks to be landscaped. These provisions apply equally to each of the two industrial districts.

TABLE 13.14.040A
SITE DIMENSIONS AND HEIGHT LIMITATIONS

		STANDARD	
	FEATURE	**IL**	**IG**
1.	Minimum site/lot area	20,000 sq. ft.	40,000 sq. ft.
2.	Minimum lot width	100 ft	150 feet
3.	Height limitations		
	(a) Within 50 feet of a residential zone	25 feet	25 feet
	(b) Other locations	40 feet[(a)]	40 feet[(a)]

Notes: (a) Proposals for development exceeding this height shall require the approval of a conditional use permit.

TABLE 13.14.040B
SETBACKS

		STANDARD		
	YARD	**BUILDING**	**PARKING**	**LANDSCAPING**
1.	Street yard setback (measured from the ultimate right-of-way)	15 feet	10 feet	Entire front setback
	(a) All streets			
2.	Rear Property line setback	25 feet	10 feet	10 feet
	(a) Adjacent to residential zone			
	(b) Adjacent to commercial or industrial zone	5 feet**	0 feet	0 feet
3.	Interior side property line setback:			
	(a) Adjacent to residential zone	25 feet	10 feet	10 feet
	(b) Adjacent to commercial or industrial zone	5 feet**	5 feet*	5 feet*

* Unless specifically waived by the Director (See Section 13.24.030(A)(10)(b))

** The five-foot rear property line and interior property line setbacks adjacent to commercial or industrial zones may be waived by the Director on two adjacent developments that share a common wall on the property line between the two lots or where a five-foot easement from the adjoining property owner has been acquired to ensure adequate maintenance of the proposed building.

C. Security Fencing.

1. Parking area may be enclosed by an ornamental iron or wrought iron fence for security purposes, subject to the approval of a minor development review permit by the Director and the following:

   (a) Gates must be rolling type, unless otherwise approved by the Director. The parking lot is to remain accessible during business hours.

   (b) No barbed wire, razor wire, concertina wires or similar devices shall be placed on the fence. An outward curving top is recommended for ornamental iron or wrought iron fences to restrict access.

   (c) On multi-tenant buildings or developments, a single common fenced area will be provided.

   (d) The fence height shall not exceed six feet in the front yard, exterior side yard, or visibility clearance area and eight feet in the rear or interior side yard setback. The fence shall be constructed of decorative metal and shall be non-view obscuring.

   (e) Fencing shall not obstruct vehicular or pedestrian circulation and shall not eliminate landscaped areas or materials. All gates must be equipped with a knox-type security device to allow emergency vehicles access at all times. Fencing and gates for secured parking areas shall not adversely impact traffic circulation on surrounding streets.

   (f) The property owner shall record a deed restriction, prepared to the satisfaction of the Director, acknowledging that the fenced areas shall not be used for outdoor storage.

   (g) All fencing shall comply with the requirements of the Uniform Building Code. (Ord. 478 § 1, 2008; Ord. 420 Exh. D, 2002; Ord. 246, 1990; Ord. 152, 1985)

EXHIBIT 8

CHAPTER 13.16 PARK/OPEN SPACE DISTRICT

13.16.010 Purposes and general plan consistency.

The Park/Open space district indicates areas of permanent open spaces, biological resource protection, parks and/or areas precluded from major development because of land constraints or habitat preservation. The use regulations, development standards, and criteria are intended to provide low intensity development and encourage recreational activities and the preservation and management of natural resources. Recreational uses such as golf courses with customary support facilities are considered appropriate for these areas. Agricultural uses and sand extraction operations may, under special conditions, be allowed.

The following objectives have been formulated for the Park/Open space district for the implementation of the general plan goals and objectives:

1. Promote a balanced mix of open space uses with development throughout the City in order to provide the enhancement of visual resources, avoidance of hazards, and conservation of resources.

2. Preserve significant natural resources, such as mineral deposits, biological resources, watercourses, hills, canyons, and major rock outcroppings, as part of a citywide open space system.

3. Maintain floodways as open space in order to reduce flood hazards, and to preserve the aesthetic quality along water corridors.

4. Encourage the preservation of significant historical and archaeological sites in the City.

5. Preserve open space to adequately protect the public from fires, flooding and landslides.

6. Provide adequate recreational acreage and facilities in all areas of the City.

7. Encourage private recreational uses which exhibit large amounts of open space. (Ord. 438 § 1, 2003)

13.16.020 Park/Open space use regulations.

A. Uses listed in Table 13.16.030A shall be allowable. Where indicated with the letter “P”, the use shall be a permitted use. Where indicated with the letter “C”, the use shall be a conditional use subject to the conditional use permit. Where indicated with the letters “MC”, the use shall be subject to a minor condition use permit. Where indicated with a dash “—”, or if the use is not specifically listed in Table 13.16.030A, the use shall not be permitted. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants and restrictions of any property. However, in no case shall uses be permitted beyond

those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the procedure outlined in Section 13.04.040 use determination shall be followed.

TABLE 13.16.030-A
USE REGULATIONS

USE	DISTRICT P/OS
1. Residential Uses	
(a) Single Family dwelling (not to exceed an average density of one unit per 40 acres)[1]	P
(b) Single Family Attached	—
(c) Multiple Family Dwellings	—
(d) Day Care Home, Family	
(i) Large family day care home pursuant to Section 13.30.020(I)	
a. Within a detached single family dwelling unit	P
b. Within a multi-family residential development	—
(ii) Small family day care home within a residential dwelling unit	P
2. Caretaker Quarters (accessory to a permitted use)[1]	P
3. Home Occupations (pursuant to Section 13.06.060A)	P
4. Auxiliary structures such as detached garages, carports, cabanas, barns, storage sheds, corrals.[2]	P
5. Agricultural Uses	
(a) Row crops, truck gardens	C
(b) Plant storage or propagation	C
(c) Orchards, vineyards, Christmas and other tree farms	C
(d) Community gardens	C
(e) Greenhouses	C
(f) Livestock grazing, breeding (no feed lots)	C
(g) Hydroponic culture	C
(h) On-site sales of products grown onsite	C
6. Cemeteries, Crematories, Mausoleums, Columbariums, and related uses	C
7. Biological Habitat Preserves (unless otherwise approved by other entitlement)	P
8. Facilities for stormwater detention or water quality	P
9. Flood control structures and facilities	P
10. Recreational Uses	
(a) Parks, picnic areas, playgrounds	C
(b) Hiking, biking, equestrian trails	P

(c) Greenway	P
(d) Golf course	C
(e) Riding schools (equestrian)	C
(f) Commercial stable	C
(g) Country Club and related uses	C
11. Public Buildings and Facilities	C

1 Development Review Permit required

2. Development Review Permit required if structure size exceeds 1,000 SF.

(Ord. 438 § 1, 2003)

13.16.040 Site development regulations.

A. Site Dimensions, Height Limitations, and Setbacks. Development standards such as site dimensions, height limitations, and setbacks shall be determined on a site-by-site basis. Consideration shall be given to surrounding properties and developments in order to blend and remain consistent with the area. Other factors for determination of standards shall be topography, water drainage, circulation, use of site, and any other environmental factors related to the site.

B. Development Criteria.

1. Development shall adhere to the following criteria:

(a) Minimize alteration to the natural landform;

(b) Protect areas capable of replenishing groundwater supplies;

(c) Protect the natural drainage of the area;

(d) Protect waterways from indiscriminate erosion and pollution;

(e) Protect lands having biological significance, especially riparian (water related) areas and their associated woodland vegetation;

(f) Protect areas with significant native vegetation and habitat value;

(g) Protect natural areas for ecological, education, and other scientific study purposes.

2. Outdoor Uses. All uses shall be conducted completely within an enclosed building. The following uses may be permitted to operate outdoors, and subject to any required review and permits:

(a) Agricultural uses;

(b) Wildlife Preserves and Sanctuaries;

(c) Outdoor Recreational Facilities;

(d) Other activities and uses similar to those above as determined by the Director. (Ord. 438 § 1, 2003)

13.16.050 General provisions.

Enclosures of Uses. Unless otherwise specified within this code, or by conditional use permit, all activities, work and storage of materials within the Park/Open Space district shall be entirely within an enclosed building. (Ord. 438 § 1, 2003)

EXHIBIT 9

CHAPTER 13.18 TOWN CENTER DISTRICT

13.18.010 Purposes and general plan consistency.

This designation is intended to provide the City with a mixed use activity center which is oriented towards and enhances the San Diego River. This designation shall be developed under a master plan including community commercial, civic, park/open space and residential uses. The intent of the master plan is to provide the City with a conceptual plan, detailed land uses and appropriate development regulations that are consistent with the general plan. (Ord. 152, 1985)

13.18.020 Town center district (TC).

The town center district is included in the zoning regulations in order to implement the goals, objectives and land uses specified in the general plan for town center.

A. General Requirements.

1. A town center master plan shall be initiated by the City in order to establish land uses, areas of development, architectural themes and design guidelines for the town center. The City Council shall adopt a town center master plan development plan and text.

2. All development which is proposed within the town center district pursuant to an adopted town center master plan shall require the submittal use permit.

3. All development which is proposed within the town center district prior to the adoption of the town center master plan shall require the submittal of a conditional use permit. Such proposed development shall be in accordance with the goals and objectives of the town center as stated within the general plan.

4. Unless otherwise specified within this code, or by conditional use permit, all activities, work and storage of materials within the town center district shall entirely be within an enclosed building. (Ord. 152, 1985)

EXHIBIT 10

CHAPTER 13.19 PLANNED DEVELOPMENT DISTRICT

13.19.010 Purposes and general plan consistency.

This designation provides for mixed-use development potential including employment parks, commercial, recreational and various densities of residential development pursuant to a development plan and entitlements being approved by the City Council. This designation is intended for select properties within the City where a variety of development opportunities may be viable and where the City wishes to encourage innovative and very high quality development in a manner which may not be possible under standard land use designations and their corresponding zones.

While the planned development designation does not, in itself, limit the extent or mix of development to occur, other provisions within the general plan may do so for particular properties. All development which takes places pursuant to the planned development designation shall be consistent with the general plan. (Ord. 438 § 1, 2003)

13.19.020 Planned development district (PD).

The planned development district is included in the zoning regulations in order to implement the goals, objectives and land uses specified in the general plan for properties within the City where a variety of development opportunities may be viable and where the City wishes to encourage innovative and very high quality development in a manner which may not be possible under standard land use designations and their corresponding zones. (Ord. 438 § 1, 2003)

13.19.030 Use regulations and general requirements.

A. Allowable uses and development standards in each planned development district shall be as established through a development review permit pursuant to and consistent with the guidelines contained in Section 5.5, Areas for Special Study, within the land use element of the general plan for each respective planned development designated property.

B. In addition to those uses allowed pursuant to paragraph (A) above, Table 13.19.030-A establishes additional permitted and conditionally permitted uses within the planned development district.

Uses listed in Table 13.19.030-A shall be allowable. Where indicated with the letter “P”, the use shall be a permitted use. Where indicated with the letter “C”, the use shall be a conditional use subject to the conditional use permit. Where indicated with the letters “MC”, the use shall be subject to a minor condition use permit. Where indicated with a dash “—”, or if the use is not specifically listed in Table 13.19.030-A, the use shall not be permitted. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants and restrictions of any property. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the procedure outlined in Section 13.04.040 use determination shall be

followed. The Director may approve auxiliary uses and structures, and agricultural uses involving no improvements, under the development review process.

TABLE 13.19.030-A
USE REGULATIONS FOR PLANNED DEVELOPMENT

USE	DISTRICT PD
1. Residential Uses[1]	
(a) Single Family dwelling (not to exceed an average density of one unit per 40 acres)	P
(b) Single Family Attached	P
(c) Multiple Family Dwellings	P
Day Care Home, Family	
(i) Large family day care home (pursuant to Section 13.30.020(I)	
a. Within a detached single family dwelling unit	P
b. Within a multi-family residential development	—
(ii) Small family day care home within a residential dwelling unit.	P
2. Caretaker Quarters (accessory to a permitted use)[2]	P
3. Home Occupations	
(pursuant to Section 13.06.060(A))	P
4. Auxiliary structures such as detached garages, carports, cabanas, barns, storage sheds, corrals.[2]	P
5. Agricultural Uses	
a. Row crops, truck gardens	C
b. Plant storage or propagation	C
c. Orchards, vineyards, Christmas and other tree farms	C
d. Community gardens	C
e. Greenhouses	C
f. Livestock grazing, breeding (no feed lots)	C
g. Hydroponic culture	C
h. On-site sales of products grown onsite	C
6. Biological Habitat Preserves (unless otherwise approved by other entitlement)	P
7. Recreational Uses	
a. Parks, picnic areas, playgrounds	C
b. Hiking, biking, equestrian trails	P
c. Greenway	P
d. Riding schools (equestrian)	C
e. Commercial stable	C
8. Flood control structures and facilities	P
9. Facilities for stormwater detention or water quality	
10. Public Buildings and Facilities	C

1. Development Review Permit required.

2. Development Review Permit required if structure size exceeds 1,000 SF.

C. For all uses allowed pursuant to Table 13.19.30-A, all development standards shall be established through a development review permit, minor conditional use permit or a conditional use permit.

D. For property in Section 8.2 (Areas for Special Study) of the land use element of the general plan identified as the rattlesnake mountain planned development overlay, the hillside limited (HL) district remains as the base district. (Ord. 438 § 1, 2003)

EXHIBIT 11

CHAPTER 13.21 RESIDENTIAL BUSINESS DISTRICT

13.21.010 Purposes and general plan consistency.

This designation is intended to allow for a single-family residential use or a compatible low-intensity commercial and office use, or a combination of residential/non-residential uses within existing residences and auxiliary structures. It is intended to encourage a mix of appropriate land uses within transitional neighborhoods that are adjacent to more intensive commercial, office and industrial areas. Low intensity commercial and office uses would be allowed which would not result in significant land use compatibility impacts, but which would be greater than that which would be permitted through Home Occupation regulation. (Ord. 438 § 1, 2003)

13.21.020 Residential business district (RB).

The residential business (RB) district has been created to implement the goals, objectives and land use designations of the general plan. (Ord. 438 § 1, 2003)

13.21.030 Use regulations.

All uses allowed in the R-2 base district pursuant to Table 13.10.030A are allowed in the R-B district. In addition, uses listed in Table 13.21.030-A shall be allowed as indicated in the column beneath the residential business district heading. Where indicated with the letter "P", the use shall be a permitted use in that district. Where indicated with the letter "C", the use shall be a conditional use subject to a conditional use permit in that district. Where indicated with the letters "MC", the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash "—", or if a use is not specifically listed in Table 13.21.030-A and is not subject to the use determination procedure contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants and restrictions of any property or dwelling units. However, in no case shall uses be permitted beyond those allowable in this section. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.21.030-A
USE REGULATIONS FOR RESIDENTIAL BUSINESS DISTRICT

USE	R-B
A. Office and Related Uses	
1. Administrative and Executive Offices	P
2. Clerical and professional offices	P
3. Financial services	P
4. Medical, Dental, and related professional offices	P
B. Commercial Uses	

USE	R-B
1. Appliance repair	P
2. Bike repair	P
3. Blueprint and photocopy services	P
4. Contractor, office only	P
5. Furniture repair and upholstery	P
6. Interior decorating service	P
7. Janitorial Services, office only	P
8. Locksmith shop	P
9. Pet grooming services	P
10. Photography studio or video production	P
11. Printing and publishing	P
12. Shoe repair	P
13. Stamp and coin shop	P
14. Tailor or seamstress	P
15. Taxidermist	P
16. Television, radio, computer repair	P
17. Travel agency	P
18. Small collection facility	P

"P" = Permitted Use

(Ord. 438 § 1, 2003)

13.21.040 Site development criteria.

The site development criteria are intended to provide minimum standards for residential business development. These site development standards should be used in conjunction with the design guidelines, which are set forth in the development review manual. This section shall not be construed to supersede more restrictive site development standards contained in the conditions, covenants and restrictions of any property or dwelling unit.

Table 13.21.040
BASIC DEVELOPMENT STANDARDS—RESIDENTIAL BUSINESS

Feature	Standard
Maximum Lot Coverage	40%
Feature	**Standard**
Minimum Lot Dimensions (width/depth in feet)	60/90
Minimum Setbacks (feet)	
Front	20
Exterior (street) side yard	10
Interior side yard	5
Rear	20
Maximum Building Height (feet)	35
Max stories	(two)

Minimum Parking setback (feet)	10

(Ord. 438 § 1, 2003)

13.21.050 Equipment screening.

Any equipment, whether on the roof, side of building, or ground, shall be screened. The method of screening shall be architecturally integrated in terms of material, color, shape and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable. (Ord. 438 § 1, 2003)

13.21.060 Off-street parking.

On-site parking shall be maintained for the residential use in accordance with Chapter 13.24. Any additional on-site parking shall not occupy more than 50% of the required front yard. (Ord. 438 § 1, 2003)

13.21.070 Performance standards for commercial/office use.

A. The activity shall comply with all provisions of the general development performance standards of Section 13.30.010 through Section 13.30.030, including residential noise standards.

B. There shall be no vendor deliveries before seven a.m. and after six p.m.

C. All business activity must be conducted within an enclosed building and there shall not be outside storage of products or materials.

D. One permanent sign is allowed, not to exceed 21 square feet, and shall be wall mounted.

E. Overnight parking of no more than one commercial type vehicle or vehicle identified for business purposes is permitted, provided that the vehicle does not exceed a capacity of one and one-half tons, that the vehicle is registered to an occupant of the residence, and the vehicle does not utilize a parking space required for the residential use.

F. A building may be used for residential and non-residential use pursuant to this chapter. (Ord. 438 § 1, 2003)

13.21.080 Residential use within the IL light industrial base district.

Residential use within the Light Industrial (IL) district shall be subject to the following:

A. All new construction shall be in conformance with the IL light industrial district.

B. Notwithstanding Subsection A of this section, minor residential building additions are allowed by right that cumulatively do not exceed 50% of the square footage of the existing residence, and do not exceed the maximum permitted lot coverage of 40%.

C. Within the light industrial base district, the principal residential use shall not be allowed to be reestablished after the residential structure has been replaced with a structure intended for a light industrial principal use. (Ord. 438 § 1, 2003)

EXHIBIT 12

CHAPTER 13.22 OVERLAY DISTRICTS

13.22.010 Purposes and general plan consistency.

The purpose of overlay districts is to establish development standards to address the special or unique needs or characteristics of particular areas to assure a harmonious relationship between the existing and proposed uses, and to further implement and define the goals and objectives of the general plan. (Ord. 438 § 1, 2003)

13.22.020 Administration.

A. Authority.

1. The City Council is authorized to adopt an overlay district only in conjunction with a base district. When an overlay district is designated over any district, the standards used for that site shall be as set forth in the overlay district or the base district, whichever is more restrictive.

2. No overlay district shall be established unless the council makes, but not be limited to, the following:

   (a) That the area for which an overlay district designation is proposed has a unique character, identity or environment;

   (b) That the unique character, identity of environment of the area for which an overlay district is proposed would be preserved and enhanced to the benefit of such area and the City as a whole by the provisions set forth by the overlay district;

   (c) That an overlay district is necessary to protect, preserve or enhance the unique character or identity of the area for which an overlay district is proposed;

   (d) That an overlay district is necessary to protect the health, welfare or safety of the public.

3. Each overlay district established shall include, but not be limited to, the following provisions to assure the preservation, enhancement or protection of the unique character, identity or environment for which an overlay district is established: use regulations, site development criteria, performance standards, and design guidelines. In addition, a statement of the purpose, definition of terms, applicability, review procedure and other provisions deemed necessary by the City attorney.

B. Establishment of District. Each overlay district established shall be indicated on the district map by appropriate abbreviated letters identifying the overlay district which shall follow the reference number identifying the base district.

C. Public Hearing. The Planning Commission and City Council shall hold a public hearing to consider the adoption of any overlay district as prescribed in Section 13.04.100. (Ord. 438 § 1, 2003)

13.22.030 Mobile home park overlay district.

A. Purpose. The mobile home park overlay district is intended to establish regulations for the development, maintenance, and conversion of mobile home parks within the City of Santee.

B. Establishment. The mobile home park overlay district may be applied in combination with any other residential district pursuant to Chapter 13.04.060. A mobile home park overlay district shall be indicated on the zoning district map by the letters "MHP" after the reference number identifying the base district.

C. General Requirements: The following shall apply to all mobile home park development:

1. Minimum site area for a mobile home park shall be three acres;

2. There shall be no minimum side area for mobile home park;

3. There shall be no minimum area, width or depth requirement for individual lots or spaces;

4. There shall be no minimum yard requirement for individual lots or spaces;

5. There shall be no minimum size for individual mobile home units;

6. The minimum street yard setback on public streets shall be in conformance with Table 13.10.040B;

7. Existing mobile home parks and preexisting mobile home parks shall not be deemed nonconforming by reason of failure to meet the minimum requirements prescribed in this section, provided that the regulations of this section shall apply to the enlargement or expansion of a mobile home park;

8. In addition to making application for an amendment to the zoning ordinance pursuant to Chapter 13.04.060, application for a mobile home park shall require the approval of a conditional use permit subject to Section 13.060.030;

9. In order to maximize net yield per acre, the City will consider increasing the allowable project density by either granting a density bonus to the project site's existing density category, or by granting a request for a change in density range

(per the City's general plan), or both, depending upon the quality, size nature and scope of the project. The density bonus shall be up to 25%, as provided for in Chapter 13.26 "Density Bonus Provisions";

10. In order to offer an incentive for the development of new mobile home park subdivisions, the City will waive all or part of a project's application fees and all or part of a project's development fees. Redevelopment agency housing assistance monies may be available if the project qualifies as a low and moderate-income development. These incentives will be considered on a project by project basis.

11. In order to offer an incentive for the conversion of existing rental parks to residential parks, the City will waive a minimum of 50% of a project's application fees. This incentive will be considered on a project by project basis.

D. Conversion Requirements.

1. Application for conversion of an existing mobile home park to another use, or its closure or cessation of use shall require an amendment to the zoning ordinance pursuant to Section 13.04.050 of this title.

2. A report on the impact of the request to convert or close a mobile home park and noticing of the application shall be provided in accordance with Sections 65863.7 and 65863.8 of the State Government Code and any amendments thereto. The report shall be filed concurrently with the application for a zoning ordinance amendment and shall be considered at the public hearing for the amendment. (Ord. 438 § 1, 2003)

13.22.040 Hillside overlay district.

A. Purpose. The purpose of the hillside overlay district is to maintain natural open space character, protect natural land forms, minimize erosion, provide for public safety, protect water, flora and fauna resources and establish design standards to provide for limited development in harmony with the environment.

B. Establishment. The hillside overlay district may be applied in combination with any other district pursuant to Section 13.04.050. A hillside overlay district shall be indicated on the zoning district map by the letter "H" after the reference number identifying the base district.

C. This section provides development performance criteria for the major areas of concern. Following are the objectives for each of those areas, which are based on the policies listed in the general plan. These objectives set forth the framework for the performance standards.

1. Soils/Grading.

(a) Establish proper soil management techniques to reduce the adverse effects of erosion;

(b) Minimize alteration of landforms in hillside area;

(c) Protect natural landforms of citywide significance.

2. Public Safety.

(a) Restrict structures and facilities from geologically hazardous areas;

(b) Restrict development in areas with unsafe soil conditions;

(c) Require geologic or soil engineering investigation for developments proposed in areas of potential geological hazards;

(d) Require special construction features in the design of structures and adaptive site planning where site investigations confirm potential geologic hazards;

(e) Require adequate water supply and pressure for all proposed development in accordance with Santee Fire Department standards;

(f) Require fuel modification programs;

(g) Establish minimum standards for fire safety with regard to access and fire mitigation measures.

3. Water.

(a) Protect and enhance the character of creeks and channels;

(b) Retain the natural drainage of the area as much as possible;

(c) Promote programs to conserve water;

(d) Protect waterways from indiscriminate erosion and pollution;

(e) Promote groundwater.

4. Animal and Plant Life.

(a) Help to preserve lands having biological significance especially significant to wildlife habitat and floral and faunal species;

(b) Maintain and reestablish where feasible, natural vegetative communities and dominant landscape elements unique to the City;

(c) Encourage retention of areas with significant native vegetation and habitat value;

(d) Protect natural areas for ecologic, educational and other scientific study purposes.

5. Environmental Design.

(a) Protect and improve the scenic quality of the City;

(b) Design buildings and adapt site planning to minimize adverse environmental impacts and resource consumption;

(c) Use the relationship between built form and open space to strengthen the image and identity of the City.

D. Site Development Regulations. All site development regulations shall be as set forth in the base district, except those as defined within this section.

E. Special Requirements.

1. The applicant shall submit two topographic maps, each showing the boundaries of the site and the boundaries of the natural slope categories within the site. Each category area shall be identified on the maps by a different color. One of the maps shall also identify the location of all proposed development on site. The natural slope categories that shall be used are identified below:

Natural Slope Categories

0—9.9
10—19.9
20% and over

2. Topographic maps should normally be of a scale between one inch = 20 feet to one inch = 50 feet. Contour intervals should normally be five feet and in no case shall be greater than ten feet.

3. The location and extent of the natural slope categories shall be certified by a registered civil engineer, registered architect or registered landscape architect.

4. Within the boundaries of the hillside overlay district, the permitted density for residential uses shall be determined by the average natural slope of the site. When a given site has more than one zone, the average natural slope shall be determined separately for each zone and the resulting maximum density for each zone shall be determined separately, pursuant to Section 13.04.020(C)(2).

The following formula shall be used to determine a site's average natural slope:

$$S = \frac{I \times L}{A \times 43{,}560} \times 100$$

Where S = average natural slope, in percent.
I = interval, in feet, of the contour lines.
L = the sum, in feet, of the length of the contour lines, at the selected contour interval "I".
A = the total area, in acres, of the site.

5. When the average natural slope of a site has been determined, the following table shall be used to determine the maximum permitted density with the hillside overlay district:

TABLE 13.22.040
A HILLSIDE OVERLAY DISTRICT
DENSITY DETERMINATION

Column A	**Column B**
Average Natural Slope of Site	**Percent of Base District's Density Permitted (Maximum)**
0—9.9%	100%
10—19.9%	75%
20% and above	50%

Example—If the average natural slope of a site is 15% and the base district is R-1 (two dwelling units/acre), then the maximum permitted density on the site is as follows:

.75 x 2.0 = 1.5 dwelling units/acre

(Ord. 438 § 1, 2003)

13.22.050 Hillside overlay district—Development performance standards.

The following minimum performance standards are required for any development within the hillside overlay district. Necessary information shall be provided on or with the development application to determine compliance with these standards.

A. Soils/Grading. Grading of any site shall conform to the following grading standards, based upon the percent of the natural slope.

Percent Natural Slope	
Less than 10%	This is not a hillside condition, conventional grading techniques* are acceptable.
10%—19.9%	Development with grading may occur in this zone, but existing landforms must retain their natural character. Padded building sites are permitted on these slopes, but contour grading, split level architectural prototypes, with stacking and clustering are expected.
Over 20%	Special hillside grading, architectural and site design techniques are required. Architectural prototypes are expected to conform to the natural landform and clustering shall be used.

* Movement for redistribution of earth over large areas. However, disruption of the landform, drainage patterns, and on-site surface terrain and vegetation is discouraged and shall be avoided.

B. Public Safety.

1. Fire Safety. The Santee Fire Department is responsible for implementation of fire safety standards. All developments in the hillside district must comply with the adopted standards of the Santee fire protection district. In the course of the review for a project in the hillside overlay district, the fire district will be reviewing each project to determine compliance with fire safety standards. The standards cover such items as, but not limited to:

(a) Number of access points and street designs for each development;

(b) Driveway lengths and widths;

(c) Distances between dwellings;

(d) Fuel management plan;

(e) Water flow and fire hydrant requirements;

(f) Fire retardant building materials.

2. Geotechnical.

(a) Any development or subdivision within a potentially geologically hazardous area, as identified in Figure 22, Seismic hazards and study areas, of the general plan, Table 14, Seismic safety element, of the general plan;

(b) The Director may require special construction methods for structures where it has been determined to have potential geologic hazards.

C. Water.

1. On-site siltation basins, as well as energy absorbing devices, may be required as a means to prevent erosion as well as to provide for groundwater recharge;

2. Natural drainage courses should be protected from grading activity;

3. Where brow ditches are required, plant materials and native rocks shall be used to naturalize the appearance and blend in with surrounding vegetation and topography.

D. Animal and Plant Life.

1. Areas of site which are identified in an environmental study as having biological significance shall be preserved;

2. Natural vegetation shall be maintained wherever possible. If removal is required, reestablishment of a compatible plant material shall be required.

3. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs and trees;

4. Existing mature trees shall be incorporated into the project wherever possible;

5. Water and energy conservation techniques shall be utilized, such as special irrigation techniques (e.g., drip irrigation), drought tolerant plant species, alluvial rockscape, etc.;

6. Wherever possible, well adapted (drought tolerant) fire resistant native vegetation shall be preserved and planted;

7. Introduction of landscaping within the hillside areas should make maximum use of texture, color, be capable of blending in with the natural landscape, and help to soften the effects of buildings, walls, pavement, drainage improvements and grading;

8. Screening along roadways should make maximum use of berming and landscaping.

E. Design.

1. Dwelling units and structures shall be compatible with the natural surroundings of the area and shall not dominate the natural environment;

2. Exterior finishes of dwelling units and structures should blend in with natural surroundings by emphasizing earth tone colors and avoiding reflective materials or finishes;

3. Dwelling units and structures shall be sited in a manner that will:

   (a) Retain outward views from each unit;

   (b) Preserve or enhance vistas, particularly those seen from public places;

   (c) Preserve visually significant rock outcropping, natural hydrology, native plant materials, and areas of visual or historical significance.

4. Dwelling units and structures should be designed to incorporate hillside adaptive features such as split level pads, multistory, etc.;

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures should be sited to:

   (a) Use the natural ridgeline as a backdrop for structures;

(b) Use landscape plant materials as a backdrop; and

(c) Use structure to maximize concealment of any cut slope.

6. Roadways should be located and designed to adapt to hillside conditions by following natural contours, rising nonstandard road widths and other appropriate features. Such nonstandard road requirements are designated within the public works standards of the City;

7. Parking areas should be located and designed to adapt to hillside conditions by clustering off-street, locating within structures and by avoiding on-street parking. (Ord. 438 § 1, 2003)

13.22.060 Mixed use overlay district.

A. Purpose. The purpose of the mixed use overlay district is to provide the option to include complementary ground level commercial uses in conjunction with R-30—Urban residential development. The mixed use overlay encourages innovative and attractive development to promote smart growth principles through the integration of complementary land uses which can take advantage of mutual site planning and public service requirements, and which increases the economic viability of development. Complementary commercial uses include professional and personal services.

B. Establishment. The mixed use overlay district may be applied in combination with the urban residential (R-30) zone pursuant to Chapter 13.10. A mixed use overlay district shall be indicated on the zoning district map by the letters "MU" after the reference number identifying the base district.

C. Use Regulations. Uses listed in Table 13.22.060A shall be allowable. Where indicated with the letter "P," the use shall be a permitted use in that district. Where indicated with the letter "C," the use shall be a conditional use subject to a conditional use permit in that district. Where indicated with the letters "MC," the use shall be a conditional use subject to a minor conditional use permit in that district. Where indicated with a dash "—", or if the use is not specifically listed in Table 13.22.060A and is not subject to the use determination procedures contained in Section 13.04.040, the use shall not be permitted in that district. This section shall not be construed to supersede more restrictive use regulations contained in the conditions, covenants, and restrictions of any property. In the event a given use cannot be categorized in one of the districts by the Director, the use determination procedure outlined in Section 13.04.040 shall be followed.

TABLE 13.22.060A
USE REGULATIONS FOR MIXED USE OVERLAY DISTRICT

USE	MU
A. Offices and Related Uses.	
1. Administrative and executive offices	P
2. Bail bonds office	—

3. Clerical and professional offices	P
4. Financial services and institutions	P
5. Medical, dental and related health administrative and professional offices services (non- animal related) including laboratories and clinics; only the sale of articles clearly incidental to the services provided shall be permitted	P
6. Accessory commercial uses when incidental to an office building or complex (blueprinting, stationery, quick copy, etc.)	P
B. General Commercial Uses.	
1. Antique shops	—
2. Animal care facility, small animal only (animal hospital, veterinarian, commercial kennel, grooming)	
(a) Excluding exterior kennel, pens or runs	MC
(b) Including exterior kennel, pens or runs	—
3. Apparel stores	P
4. Art, music and photographic studios and/or supply stores	P
(a) With class instruction	MC
5. Appliance repair and incidental sales including, but not limited to, small household appliances, computers and vending machines, and provided all work activities and storage occurs entirely within an enclosed building	P
6. Arcades, more than amusement devices (see special requirements per Section 13.12.030 (F)); also subject to the provisions contained in Title 4 of this code	—
7. Athletic and health clubs	P
8. Auction house (conducted completely within an enclosed building and subject to the provisions contained in Title 4 of this code)	—
9. Automotive services including automobiles, trucks, motorcycles, boats, trailers, mopeds, recreational vehicles or other similar vehicles as determined by the Director	
(a) Sales	—
(b) Rentals	—
(c) Repairs including painting, body work and services	—
(d) Washing (coin and automatic)	—
(e) Service or gasoline dispensing stations including mini-marts, accessory car washes, and minor repair services accessory to the gasoline sales	—
(f) Parts and supplies excluding auto recycling or wrecking	—
10. Bakeries	P
11. Barber and beauty shops and/or supplies	P
12. Bicycle sales and shops (nonmotorized)	P
13. Blueprint and photocopy services	P
14. Book, gift and stationery stores (other than adult related material)	P
15. Candy stores and confectioneries	P
16. Catering establishments (excluding mobile catering trucks)	—
17. Cleaning and pressing establishments, retail	P
18. Cemeteries	—
19. Commercial recreation facilities	
(a) Indoor public uses including, but not limited to, bowling lanes, theaters, and billiard parlors	—

(b) Outdoor drive-in theaters	—
20. Contractor (all storage of material, equipment within an enclosed building)	—
21. Dairy products stores	P
22. Department stores	—
23. Drive-in business (excluding theaters and fast food restaurants)	—
24. Drug stores and pharmacies	P
25. Equipment sales/rental yards (light equipment only)	—
26. Farmer's market	—
27. Feed and tack stores (all supplies and materials within an enclosed building)	—
28. Florist shops	P
29. Food and beverage sales or service	
(a) a. Cocktail lounge, bar or tavern	—
(i) Not accessory to a restaurant and with or without entertainment, other than adult related	—
(ii) Accessory to a restaurant, coffee shop and with or without entertainment, other than adult related	—
(b) Nightclubs or dance halls, not including adult related entertainment	—
(c) Snack bars, delicatessens, or refreshment stands, take-out only, and accessory to an office use	P
(d) Fast food restaurants with drive-in or drive-through service	—
(e) Restaurants or coffee shops, other than fast food with or without alcoholic beverages and without entertainment	P
(f) Supermarkets (including the sale of alcoholic beverages)	—
(g) Convenience markets	P
(h) Liquor stores	C
(i) Clubs and lodges with alcoholic beverage service	—
30. Furniture stores, repair and upholstery	—
31. General retail stores	P
32. Hardware stores	P
33. Home improvement centers	
(a) Material stored and sold within enclosed buildings	—
(b) Outdoor storage of material such as lumber and building materials	—
34. Hotels and motels	—
35. Interior decorating service	P
36. Janitorial services and supplies	—
37. Jewelry stores	P
38. Kiosks for general retail and food sales, key shops, film drops, automatic teller machines, etc. in parking lots	MC
39. Laundry, self-service	P
40. Limousine service (limousines shall not be stored in any required parking spaces)	—
41. Locksmith shop	P
42. Mining	—
43. Mobile home sales	—
44. Mortuaries, excluding crematoriums	—

45. Newspaper and magazine stores	P
46. Nightclub, teenage	—
47. Nurseries (excluding horticultural nurseries) and garden supply stores; provided all equipment, supplies and material are kept within an enclosed building	—
(a) With outdoor storage and supplies	—
48. Office and business machine stores and sales	—
49. Parking facilities (commercial) where fees are charged	—
50. Pawnshop	—
51. Parcel delivery service (excluding on-side truck storage and truck terminals)	—
52. Political or philanthropic headquarters	P
53. Pet shop	P
54. Plumbing shop and supplies (all materials stored within an enclosed building)	P
55. Printing and publishing	—
56. School, business or trade (all activities occurring within an enclosed building)	C
57. School, commercial (all activities occurring within an enclosed building)	C
58. Second hand store or thrift shop	—
59. Shoe stores, sales and repair	P
60. Shopping center	—
61. Small collection facility	P
62. Spiritualist readings or astrology forecasting	—
63. Sporting goods stores	P
64. Stamp and coin shops	P
65. Swimming pool or spa sales and/or supplies	—
66. Tailor or seamstress	P
67. Tanning salon	P
68. Tattoo parlor or body piercing salon	—
69. Taxidermist	—
70. Television, radio sales and service	P
71. Tire sales and installation, not including retreading and recapping	—
72. Toy stores	P
73. Travel agencies	P
74. Transportation facilities (train, bus, taxi depots)	—
75. Variety stores	P
C. Public and Semi-Public Uses.	
1. Ambulance service	—
2. Art galleries and museums, public or private	P
3. Biological habitat preserves (unless otherwise approved by another entitlement)	
(a) Mitigation for projects inside city boundaries	MC
(b) Mitigation for projects outside city boundaries	C
4. Religious institutions	C

5. Clubs and lodges, including YMCA, YWCA and similar group uses without alcoholic beverage sales, (Clubs and lodges serving or selling alcoholic beverages shall come under the provisions of Section 13.12.030(B)(30) of this title)	—
6. Convalescent facilities and hospitals	C
7. Day care center facilities	C
8. Detention facility	—
9. Educational facilities, excluding business or trade schools and commercial schools	C
10. Library	MC
11. Parks and recreation facilities, public or private (excluding commercial recreation facilities)	—
12. Post office (private)	P
13. Public buildings and facilities	—
14. Radio or television broadcast studio	—
D. Accessory Uses.	
1. Parking garage structures and other auxiliary structures and accessory uses customarily incidental to a permitted use and contained on the same site.	P
2. Caretaker's living quarters only when incidental to and on the same site as a permitted or conditionally permitted use.	—
3. Amusement devices, per Section 13.12.030(F)	—
E. Temporary Uses.	
1. 1. Temporary uses subject to the provisions contained in Section 13.06.070	P

"P" = Permitted use
"C" = Conditional use permit required "MC" = Minor conditional use permit required "—" = Not permitted

F. Special Use Regulations.

1. Outdoor Displays and Sales of Merchandise. All businesses shall be conducted completely within an enclosed building. The following outdoor sales and commercial activities may be permitted to operate outdoors, subject to any required reviews and permits:

(a) Outdoor display of merchandise as accessory to a current on-site business (subsection (D)(2));

(b) Parking lot and sidewalk sales (subject to Section 13.06.070, Temporary use permit and regulations);

(c) Accessory outdoor eating areas in conjunction with a food establishment that features take-out service; see Subsection (D)(3); and

(d) Other activities and uses similar to those above as determined by the Director.

2. Outdoor Display of Merchandise Accessory to Current On-Site Business. Any outdoor display must be done in conjunction with the business being conducted within the building and shall comply with the following regulations:

   (a) The aggregate display area shall not exceed 24 square feet;

   (b) No item, or any portion thereof, shall be displayed on public property; unless, an encroachment permit has first been obtained from the City;

   (c) Items shall be displayed only during the hours that the business conducted inside the building on the premises is open for business;

   (d) No item shall be displayed in a manner that causes a safety hazard; obstructs the entrance to any building; interferes with, or impedes the flow of pedestrian or vehicle traffic; is unsightly or creates any other condition that is detrimental to the public health, safety or welfare or causes a public nuisance.

3. Accessory Eating Areas Permitted. For the purpose of determining required parking, the accessory eating areas shall not count toward this determination. The seating may be provided indoors or outdoors. The following performance standards shall apply to outdoor eating:

   (a) The outdoor eating area shall be arranged in such a way that it does not create a hazard to pedestrians or encroach on a required building exit;

   (b) The outdoor eating area cannot be located in any driveway, parking space, landscaped area, or required setback;

   (c) The outdoor eating area must be maintained so that it is not unsightly and does not create a condition that is detrimental to the appearance of the premises or surrounding property;

   (d) Signage may not be placed on the outdoor furniture or umbrellas, which advertise the business, service or use, or any product unless otherwise permitted by the sign ordinance.

G. Site Development Regulations.

1. Commercial or office development is permitted only in conjunction with residential development in accordance with the R-30 urban residential district.

2. For all uses allowed pursuant to Table 13.22.060A, all development standards shall be established through a development review permit, minor conditional use permit, or a conditional use permit.

3. All site development regulations shall be set forth in the R-30 urban residential base district.

4. All parking regulations shall be set forth in Chapter 13.24. (Ord. 495 § 5, 2010)

EXHIBIT 13

CHAPTER 13.24 PARKING REGULATIONS*

13.24.010 Purposes and general plan consistency.

These regulations are established in order to assure that parking facilities are properly designed and located in order to meet the parking needs created by specific uses, and ensure their usefulness, protect the public safety, and, where appropriate, buffer and transition surrounding land uses from their impact. (Ord. 420 Exh. E, 2002; Ord. 152, 1985)

13.24.020 Basic regulations for off-street parking.

A. Off-street parking shall be provided subject to the provisions of this chapter for:

1. Any new building constructed;

2. Any addition or enlargement of an existing building or use; and,

3. Any change in the occupancy of any building or the manner in which any use is conducted that would result in additional parking spaces being required.

B. For additions or enlargements of any existing building or use, or any change of occupancy or manner of operation that would increase the number of parking spaces required, the additional parking spaces shall be required only for such addition, enlargement, or change of occupancy or manner of operation, and not for the entire building or use, unless required as a condition of approval of a minor conditional use permit, conditional use permit or development review permit.

C. The required parking spaces or garages shall be located on the same building site or development.

D. All off-street parking spaces and areas required by this Municipal Code shall be designed and maintained to be fully usable during the hours of operation of the business or businesses unless otherwise allowed pursuant to this code.

E. On-street parking within public or private streets, driveways, or drives shall not be used to satisfy the off-street parking requirements, except where allowed by this chapter.

F. Whenever the computation of the number of off-street parking spaces required by this section results in a fractional parking space, one additional parking space shall be required for one-half or more fractional parking space and any fractional space less than one-half of a parking space shall not be counted.

G. Temporary use of off-street parking spaces for non-parking purposes will not violate this title if such use is specifically approved by the Director.

H. Parking facilities constructed or substantially reconstructed subsequent to the effective date of this chapter, whether or not required, shall conform to the design standards set forth in this chapter.

I. Mezzanines that are accessory to a business shall not be included in the gross floor area when calculating parking requirements. (Ord. 420 Exh. E, 2002; Ord. 152, 1985)

13.24.030 Design standards.

Design standards are established by this section to set basic minimum dimensions and guidelines for design, construction and maintenance of parking within both the residential, commercial and industrial districts.

A. General. The following standards shall apply to the residential, commercial and industrial districts. (See Diagram 13.24.030A.)

1. Stall Size. Each parking space shall consist of a rectangular area not less than nine feet wide by nineteen feet long. Parallel spaces shall be a minimum of nine feet wide by 25 feet long. All parking spaces should have a vertical clearance of not less than seven and one-half feet. Parking spaces may overhang adjacent landscape areas up to a maximum of two and one-half feet, provided the overhang does not extend into any required landscape setback area.

2. All provisions for handicapped spaces shall conform to state law.

3. Paving. Parking and loading facilities shall be surfaced and maintained with asphalt concrete, concrete, or other permanent surface material sufficient to prevent mud, dust, loose material, and other nuisances from the parking or loading facility to the MS4. Where feasible, permeable surfaces, such as permeable concrete or permeable pavers, shall be used for parking lots. Crushed aggregate, rock, dirt or similar types of surfacing shall not be used as a parking or loading facility surface.

4. Drainage. All parking and loading facilities shall be graded and provided with permanent storm drainage facilities. Surfacing, curbing, and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys, and to preclude standing pools of water within the parking facility. Where feasible, infiltration BMPs shall be integrated into the drainage design to reduce the quantity and velocity of stormwater discharging to the MS4 from the parking or loading facility.

5. Safety features. Parking and loading facilities shall meet the following standards:

    (a) Safety barriers, protective bumpers or curbing, and directional markers shall be provided to assure pedestrian/vehicular safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.

(b) Visibility of pedestrians, bicyclists and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility.

(c) Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accord with accepted principles of traffic engineering and traffic safety.

6. Lighting. Lights provided to illuminate any parking facility or paved area shall be designed to reflect away from residential uses and motorists. It is the intent to maintain light standards in a low-profile design and to be compatible with the architectural design. Light standards shall not exceed fifteen feet in overall height from the finished grade of the parking facility except that light standards up to 25 feet in height may be permitted if it is determined by the Director that the size of the parking area and site design warrant a taller light standard. Illumination onto adjacent properties shall comply with the performance standards contained in Chapter 13.30 of this title.

7. Noise. Areas used for primary circulation for frequent idling of vehicle engines, or for loading activities shall be designed and located to minimize impacts on adjoining properties, including provisions for screening or sound baffling.

8. Screening. Unenclosed off-street parking areas shall be screened from view from public streets and adjacent more restrictive land uses. Screening may consist of one or any combination of the following methods, upon the approval of the Director:

(a) Walls. Low profile walls, three and one-half feet in height, shall consist of stone, brick or similar types of decorative solid masonry materials.

(b) Planting. Plant materials, when used as a screen, shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, so as to provide screening, have a minimum height of three and one-half feet, within 18 months after initial installation, or screening as per (a), (b) or (c) shall be installed.

(c) Berms. Earthen berm at least three and one-half feet above grade.

(d) In order to allow police surveillance into parking lots, the screening requirements in subdivisions (a), (b) and (c) above shall be designed to provide for view corridors into the site from adjacent streets and properties to the satisfaction of the Director.

9. Striping. All parking stalls shall be clearly outlined with single lines on the surface of the parking facility or any other permanent space designator (trees, shrubs, etc.) approved by the Director. In all parking facilities all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to expedite traffic movement.

10. Maneuvering. Parking and maneuvering areas shall be arranged so that any vehicle entering a public right-of-way can do so traveling in a forward direction, except for single-family residential districts.

B. Residential.

1. The following design standards shall apply to the residential districts and developments:

(a) Each covered off-street parking space in a carport or multi-space common garage shall be a minimum of nine feet in width and nineteen feet in depth of unobstructed area provided for parking purposes. The required minimum measurements may not include the exterior walls or supports of the structure;

(b) One car garages for single family or multifamily dwellings shall have a minimum interior dimension of twelve feet in width and 20 feet in depth of unobstructed area provided for parking purposes. In the high density residential (R-22 and R-30 zones), an enclosed single car garage shall be a minimum of ten feet in width, 20 feet in length, and provide a minimum vertical clearance of seven and one-half feet.

(c) Parking in the urban residential (R-30) zone shall be integrated with the building design such that surface parking is minimized. On-site parking may be provided in private garages, in common parking garages where parking is either at-grade or partially below grade with the building's use above (example, podium parking), or in separate parking structures on site. Unenclosed surface parking for delivery and visitor parking would be allowed. See Subsection (B)(8) for common parking garage standards.

(d) Two car garages for single-family or multifamily dwellings shall have a minimum interior dimension of 20 feet in width and 20 feet in depth of unobstructed area provided for parking purposes.

(e) Below grade or partially below grade podium style parking is also an acceptable design alternative in the R-14 and R-22 zones.

(f) The parking of two vehicles in-line may be counted towards the parking requirements when a) both vehicles have independent access to a public or private street or drive aisle; b) the development site is located within 0.25 mile of a transit stop; or c) when used as a density bonus incentive or concession. This provision does not apply on Mobile Home Park (MHP) Overlay zone districts.

2. Driveways providing access to garages, carports and parking areas serving four or less dwelling units shall be a minimum width of 20 feet. Exceptions may be approved by the Director for individual single-family homes. Where feasible, shared driveways shall be used to reduce impermeable area, and, where feasible,

permeable surfaces, such as permeable concrete or permeable pavers, shall be used.

3. Driveways providing access to garages, carports and parking areas serving five or more dwelling units shall be a minimum of twenty-six feet in width. Where feasible, shared driveways shall be used to reduce impermeable area, and, where feasible, permeable surfaces, such as permeable concrete or permeable pavers, shall be used.

4. Notwithstanding subdivisions 2 and 3 of this subsection, all driveways and access way widths and designs must be approved by the Santee Fire Department for purposes of emergency accessibility.

5. No property owner shall sublease, sublet or otherwise make available to residents of other properties, the off-street parking spaces required by this section.

6. All required covered off-street parking spaces shall be located conveniently accessible to the dwelling unit served by such parking space.

7. Residential developments which provide private streets shall be planned, designed and constructed to meet minimum city engineering and Santee fire department requirements for private streets.

8. The following design standards shall apply to parking garages:

   (a) All parking stalls shall be minimum nine feet in width and nineteen feet in depth.

   (b) Storage lockers, when provided, shall not encroach into a parking stall.

   (c) A storage/maintenance room shall be included in the facility.

   (d) High efficiency lighting shall be used in conjunction with daylighting for above grade structures.

   (e) Elevators and stairwells shall be designed to allow complete visibility for persons entering and exiting.

   (f) Floor surfaces shall be non-slip surfaces.

   (g) Security devices shall be installed such as surveillance cameras, audio and emergency call buttons.

   (h) When mechanical ventilation systems are required, they shall be high efficiency systems and back-up power systems shall be installed.

   (i) Emerging technologies to meet the needs of users, such as electrical charging stations, shall be installed when appropriate.

(j) Points of intersection between pedestrians and vehicles shall be designed for adequate safety of movement; separate paths for the pedestrian from their cars to specific points of destination shall be integrated in the facility.

(k) Wayfinding signs shall be installed.

C. Commercial, Industrial, Institutional, Community Facilities. The following design standards shall apply to commercial, institutional, and community facility use.

1. Those areas designated for use by motorcycles shall consist of a minimum usable area of 54 square feet.

2. Access driveways on-site shall be a minimum width of twenty-six feet unless otherwise approved by the Director. Where feasible, shared driveways shall be used to reduce impermeable area, and, where feasible, permeable surfaces, such as permeable concrete or permeable pavers, shall be used.

3. Notwithstanding subdivision (2) of this subsection, all driveway and access way widths and designs must be approved by the Santee Fire Department for purposes of emergency accessibility.

D. Parking Lot Striping and Markings. Parking stall striping directional arrows and parking stall identification shall meet the following standards:

1. All parking stalls shall be painted with a single four-inch wide continuous line.

2. All aisles, entrances and exits shall be clearly marked with directional arrows painted on the parking surface.

3. All handicapped parking stalls shall be individually labeled and signed in accordance with Uniform Building Code and California Vehicle Code standards. (Ord. 495 § 4, 2010; Ord. 491 § 2, 2009; Ord. 478 § 1, 2008; Ord. 438 § 1, 2003; Ord. 420 Exh. E, 2002; Ord. 301 § 2, 1993; Ord. 268, 1991; Ord. 206 § 1, 1988; Ord. 152, 1985)

13.24.040 Parking requirements.

The following sections list the minimum amount of parking for each category of uses, special requirements and optional requirements.

A. Residential.

1. Single-family detached dwellings (conventional). Two parking spaces within a garage.

2. Cluster development (condominium, town home, etc.) semi-detached single family (zero lot line, patio homes, duplexes, etc.) apartments and mobilehome parks:

(a) Studio, one bedroom: one and one-half off-street parking spaces per unit of which one space shall be in a garage or carport. In the R-30 urban residential zone one parking space is required per studio and one-bedroom unit.

(b) Two or more bedrooms: two off-street parking spaces per unit of which one space shall be in a garage or carport.

(c) In addition to the required number of parking spaces for each unit, one off-street uncovered parking space shall be provided for each four units for visitor parking. For single family zero lot line, patio homes, and duplexes, on-street parking may be substituted for visitor parking, where sufficient street pavement width and distance between driveways has been provided. In the R-30 zone, urban residential projects shall provide visitor parking at a ratio of one space for each ten units, and may be unenclosed.

3. Congregate care facilities: as determined by a parking demand study approved by the Director.

B. Nonresidential.

1. Commercial, retail and service uses:

(a) Commercial uses in conjunction with the R-30 mixed use overlay shall provide one off-street parking space for each 400 square feet of leasable floor space, and may be unenclosed.

(b) Neighborhood and general commercial shopping centers shall provide one off-street parking stall for each 250 square feet of gross floor area for all buildings and/or uses in the center. This shall apply to all commercial centers in the City, unless the delineation of independent uses is provided pursuant to Section 13.24.020. If the delineation of independent uses is known, then the standards listed below shall apply.

(c) Automobile washing and cleaning establishments, except self-service: sixteen parking stalls.

(d) Self-service automobile washes: two and one-half for each washing stall.

(e) Automobile service and gas station: three spaces plus two for each service bay.

(f) Cemeteries: as specified by conditional use permit.

(g) Lumber yards: one for each 250 square feet of gross floor area for retail sales, plus one for each 1,000 square feet of open area devoted to display (partially covered by roof, awning, etc.) or sales.

(h) Mortuaries and funeral homes: one parking stall for every 25 square feet or fraction thereof of assembly room or floor area.

(i) Motels and hotels: one parking space for each guest unit and two spaces for resident manager or owner, plus one space per 50 square feet of banquet seating area.

(j) Motor vehicle sales or rentals, recreational vehicle sales or rentals, automotive repair, painting, body work or service: one per 400 square feet of building gross floor area. If there is no building on-site, the parking standard shall be one space per 1,000 square feet of lot area.

(k) Trade schools, business colleges and commercial schools: one for each three student-capacity of each classroom plus one for each faculty member or employee.

2. Commercial recreation uses:

(a) Bowling alleys: five for each alley.

(b) Commercial stables: one accessible space for each five horses boarded on the premises.

(c) Driving ranges (golf): one per tee, plus the spaces required for additional uses on the site.

(d) Golf courses (regulation course): six per hole plus the spaces required for additional uses on the site.

(e) "Pitch and putt" and miniature golf courses: three per hole, plus requirements for auxiliary uses.

(f) Skating rinks, ice or roller: one for each 100 square feet of gross floor area, plus the spaces required for additional uses on the site.

(g) Swimming pool (commercial): one for each 100 square feet of water surface, plus one stall for each employee, but not less than ten stalls for any such use.

(h) Tennis, handball and racquetball facilities: three for each court plus the spaces required for additional uses on the site.

3. Educational uses:

(a) Elementary and junior high schools: two for each classroom.

(b) Senior high schools: one for each member of the faculty and each employee, plus one for each six students regularly enrolled.

(c) Colleges, universities and institutions of higher learning: one for each three students plus one for each two members of the faculty and employees.

4. Health uses:

(a) Convalescent and nursing homes, homes of aged, rest homes, children's homes and sanitariums: one for every four beds in accordance with the resident capacity of the home as listed on the required license or permit.

(b) Hospitals: one and seventy-five hundredths for each patient bed.

(c) Athletic and health clubs: one for each 250 square feet of gross floor area. (For the purpose of this subsection, swimming pool area shall be counted as floor area.)

(d) Congregate care facilities: as determined by a parking demand study approved by the Director.

5. Industrial:

(a) Mini storage: one for each 5,000 square feet of gross floor area and storage lot.

(b) For industrial uses not listed above: one for 500 square feet of gross floor area.

6. Places of assembly:

(a) Restaurants, taverns, cocktail lounges and other establishments for the sale and consumption on the premises of food and beverages: one space for every 100 square feet of gross floor area. No additional parking spaces shall be required for outside seating at restaurants up to 25% of the interior seating area. This parking ratio shall not apply to accessory eating areas established pursuant to Section 13.12.030(G)(5) and Section 13.14.030(J) of this title.

(b) Auditoriums, sports arenas, stadiums or similar uses: one for each three seats or one for each 35 square feet of gross floor area where there are no fixed seats.

(c) Theaters, movies:

(i) Single Screen: one space per three seats, plus five for employees.

(ii) Multi-Screen: one space per four seats, plus five for employees.

(d) Libraries: one for each 300 square feet of gross floor area.

(e) Museums or art galleries: one space for each 500 square feet of gross floor area.

(f) Private clubs, lodge halls, dance halls, nightclubs, teenage nightclubs, cabarets, or union headquarters: one for each 75 square feet of gross floor area.

(g) Churches and other places of assembly not specified above: one for each four fixed seats within the main auditorium or one for each 35 square feet of seating area within the main auditorium or one for each 35 square feet of seating area within the main auditorium where there are no fixed seats; 18 linear inches of bench shall be considered a fixed seat.

7. Other uses: day care centers not accessory to an existing business, including preschools and nursery schools: one for each staff member, plus one for each five children.

8. Public parks and recreation facilities: as specified by conditional use permit.

C. Special Requirements. The following parking requirements are applicable to all commercial, industrial and office land uses. These special stalls shall be closest to the facility for which they are designated in order to encourage their use.

1. Motorcycle: facilities with 25 or more parking spaces shall provide at least one designated parking area for use by motorcycles. Developments with over 100 spaces shall provide motorcycle parking at the rate of one percent. Areas delineated for use by motorcycles shall meet standards set forth in Section 13.24.030(C)(1).

2. Bicycles: all commercial and office areas shall provide adequate locking facilities for bicycle parking at any location convenient to the facility for which they are designated. Whenever possible, weatherproofing or facility covering should be used.

(a) Short-Term Bicycle Parking. If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for five percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack.

(b) Long-Term Bicycle Parking. For buildings with over ten tenant-occupants, provide secure bicycle parking for five percent of motorized vehicle parking capacity, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and may include:

(i) Covered, lockable enclosures with permanently anchored racks for bicycles;

(ii) Lockable bicycle rooms with permanently anchored racks; and

(iii) Lockable, permanently anchored bicycle lockers.

3. Clean air vehicles: Provide designated parking for any combination of low-emitting, fuel-efficient and carpool/vanpool vehicles, as follows:

Table 13.24.040A
CLEAN AIR VEHICLE PARKING REQUIREMENTS

Total Number of Parking Spaces Required	Number of Clean Air Spaces Required
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8
101-150	11
151-200	16
200 and over	At least 8 percent of total

(a) Parking Stall Marking. Paint, in the same paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: CLEAN AIR VEHICLE

(b) Low-emitting, fuel-efficient, and vanpool vehicles shall have the meaning set forth in the Green Building Standards Code.

(c) Parking designated for "clean air vehicles," including spaces associated with electric charging stations, shall count toward meeting the minimum on-site parking space requirements set forth in this chapter.

4. Drive-through facilities: drive-through facilities require special consideration as their design can significantly impact the vehicular circulation on a site. The following requirements apply to any use with drive-through facilities.

(a) Each drive-through lane shall be separated from the circulation routes necessary for ingress or egress from the property, or access to any parking space.

(b) Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.

(c) The vehicle stacking capacity of the drive-through facility and the design and location of the ordering and pick-up facilities will be determined by the Director and City Engineer based on appropriate traffic engineering and planning data. The applicant shall submit to the City a traffic study addressing the following issues:

(i) Nature of the product or service being offered.

(ii) Method by which the order is processed.

(iii) Time required to serve a typical customer.

(iv) Arrival rate of customers.

(v) Peak demand hours.

(vi) Anticipated vehicular stacking required.

5. Spaces provided for the specific uses as listed above, shall be clearly designated through signs, colored lines, etc.

D. Shared Parking. Shared parking may be provided for required commercial, residential, or office off street parking. Parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when hours of peak use vary. Requests for the use of shared parking are subject to the approval of the Director and must meet the following conditions:

1. A parking study shall be presented to the Director demonstrating that substantial conflict will not exist in the principal hours or periods of peak demand for the uses which the joint use is proposed.

2. The number of parking stalls which may be credited against the requirements for the structures or uses involved shall not exceed the number of parking stalls reasonably anticipated to be available during differing hours of operation.

3. Parking facilities designated for joint use should not be located further than 300 feet from any structure or use served.

4. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the number of stalls designated for joint use. (Ord. 501 § 5, 2011; Ord. 495 § 4, 2010; Ord. 469 §§ 9 and 10, 2007; Ord. 420 Exh. E, 2002; Ord. 323 § 2, 1994; Ord. 306 § 2, 1993; Ord. 293 § 3, 1993; Ord. 279 § 2, 1991; Ord. 206 § 1, 1988; Ord. 152, 1985)

EXHIBIT 14

CHAPTER 13.26 DENSITY BONUS PROVISIONS

13.26.010 Purposes and general plan consistency.

The public good is served when there exists in a city, housing which is appropriate for the needs of, and affordable to, all members of the public who reside within that city. The City implements the housing element of the general plan; Sections 65915 through 65918 of the California Government Code; and, in accordance with those general regulations, provides incentives to developers for the production of housing affordable to lower income households, moderate income households and senior citizens. (Ord. 470 § 1, 2007)

EXHIBIT 15

CHAPTER 13.28 ADULT BUSINESSES

13.28.010 Purposes and general plan consistency.

A. The intent of this chapter is to establish reasonable and uniform regulations for the location, development, and operation of adult businesses within the City. The following objectives have been formulated for adult businesses to implement the general plan goals and objectives.

1. Permit the establishment of adult businesses in the City in locations which will minimize negative impacts on community image and which will avoid creating nuisances among adjacent land uses;

2. The purpose of this chapter is not to establish community standards on obscenity or to restrict free expression, but to provide appropriate areas where materials or entertainment, which by their content are appropriate to adults only, can be exhibited without nuisance to those who may be harmed or offended by exposure to such material or entertainment;

3. Maintain neighborhood vitality and economy by preventing a concentration of these uses in any one area;

4. Provide locations for adult businesses which would minimize public view of the use to residential areas, schools, churches, public parks and playgrounds, and other areas where minors are likely to congregate;

5. Adult businesses shall exhibit the same high standards of site planning, architecture and landscape design required of all commercial or industrial developments;

6. Promote appropriate exterior design standards which would minimize general public view of materials or activities which are strictly limited to adults.

B. 1. It is unlawful to own, operate, construct or establish an adult entertainment establishment, as defined in the Santee Zoning Ordinance, within the City limits.

2. Should all or any portion of Subsection (B)(1) be declared invalid, then Section 13.28.020(B) of the Santee Municipal Code shall be unchanged and shall remain in full force and effect as it read on December 1, 1985. (Ord. 169 § 1, 1986; Ord. 152, 1985)

13.28.020 Requirements and standards.

A. Permitted Activities. For the purposes of this chapter, the following nonexclusive list of activities as defined in Section 13.28.030 shall be deemed adult entertainment establishments:

1. Adult artist-body painting studio;

2. Adult bookstore;

3. Adult cabaret;

4. Adult drive-in theater;

5. Adult hotel or motel;

6. Adult mini-motion picture theater;

7. Adult model studio;

8. Adult motion picture arcade;

9. Adult motion picture theater;

10. Adult theater;

11. Sexual encounter establishment;

12. Any establishment where specific anatomical areas are displayed or where specific sexual activities are conducted.

B. General Requirements. In order to meet the above stated objectives adult entertainment establishments may be permitted only on those parcels of land consistent with the City's housing element, subject to the following restrictions:

1. No such business shall be located on a lot within 600 feet of any other lot on which another adult business is located.

2. No such business shall be located on a lot within 600 feet of the nearest point of a lot on which is located a public or private school, a nursery, a daycare center, a church, or a public park or playground.

C. Performance Standards—Operation. The following performance standards shall be applicable to an adult cabaret as defined in section 13.28.030:

1. Entertainers and other personnel employed in an adult cabaret shall be required to obtain an adult entertainment license as defined in Chapter 4.18.

D. Performance Standards—Exterior Design. The following performance standards shall be applicable to all adult entertainment establishments as defined in Section 13.28.030:

1. All building openings, entries and windows from adult entertainment establishments shall be located, covered or screened in such a manner as to prevent a view into the interior, from any public sidewalks, streets, arcades, hallways or passageways, of any material or activity which has as its primary or

dominant theme matter depicting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas;

2. Exterior advertising and signage which is visible from any public sidewalk, streets, arcades, hallways or passageways shall not display any material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas;

3. Exterior development shall meet all other development, design and landscape design requirements of the general industrial zone. (Ord. 438 § 1, 2003; Ord. 152, 1985)

13.28.030 Definitions.

A. "Adult" means a person who has attained the age of at least eighteen years.

B. "Adult artist-body painting studio" means an establishment or business which provides the services of applying paint or other substance to or on the human body when such body is unclothed in any "specified anatomical area."

C. "Adult bookstore" means an establishment having a substantial or significant portion of its stock in trade, material which is distinguished or characterized by its emphasis on matter depicting, describing or related to specified sexual activity or specified anatomical areas.

D. "Adult cabaret" means a nightclub, bar, theater, restaurant or similar establishment which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly features films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

E. "Adult drive-in theater" means an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

F. "Adult hotel or motel" means a hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other pornographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

G. "Adult mini-motion picture theater" means an establishment, with a capacity of 50 or more persons, where, for any form of consideration, films, motion pictures, video cassettes,

slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons. This shall not mean a general motion picture theater as defined in this section.

H. "Adult model studio" means any establishment open to the public where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation, or institution which meets the requirements established in the Education Code of the state of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

I. "Adult motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

J. "Adult motion picture theater" means an establishment, with a capacity of 50 or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons. This shall not mean a general motion picture theater as defined in this section.

K. "Adult theater" means a theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons. This shall not mean a legitimate theater as defined in this section.

L. "Sexual encounter establishment" means an establishment, other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy. For the purposes of these regulations, sexual encounter establishment shall include massage or rap parlor and other similar establishments.

M. "Specific anatomical areas" means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

N. "Specified sexual activities" means:

1. The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts; or

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or

3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

O. "General motion picture theater" means a building or part of a building intended to be used for the specific purposes of presenting entertainment as defined herein, or displaying motion pictures, slides or closed circuit television pictures before an individual or assemblage of persons, whether such assemblage be of a public, restricted or private nature, except a home or private dwelling where no fee, by way of an admission charge, is charged; provided, however, that any such presentations are not distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" in that any such depiction or description is only incidental to the plot or story line.

P. "Legitimate or live theater" means a theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly fea-tures live performances which are not distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" in that any such depiction or description is only incidental to the primary purpose of the performance. (Ord. 438 § 1, 2003; Ord. 152, 1985)

EXHIBIT 16

CHAPTER 13.30 GENERAL DEVELOPMENT AND PERFORMANCE STANDARDS

13.30.010 Purposes and general plan consistency.

The intent of this section is to protect properties in all districts and the health and safety of persons from environmental nuisances and hazards and to provide a pleasing environment in keeping with the nature of the district character. (Ord. 420 Exh. F, 2002; Ord. 152, 1985)

13.30.020 General development standards.

Unless stated otherwise within this code, the following standards shall be met for all developments:

A. Projections into Yards.

1. Eaves, roof projections, awnings, and similar architectural features when located at least eight feet above grade may project into required yards a maximum distance of three feet, provided that such feature shall be at least three feet from a property line.

2. Fireplace, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar architectural features may project into the required yard a maximum distance of two feet and shall be at least three feet from a property line.

B. Projections above Height Limits. Unless otherwise specified in this code, flues, chimneys, antennas, elevators or other mechanical equipment, utility, or mechanical features may exceed the height limit of the base district by not more than fifteen feet, provided such feature shall not be used for habitable space and appropriate screening is provided, as determined by the Director. Architectural appurtenances to churches and other religious institutions involving a steeple, or cross, or combination thereof, and clock towers and similar design elements on commercial structures, may exceed the maximum height of the base district if it is determined through the development review permit or conditional use permit process that architectural compatibility and appropriate building scale are achieved and maintained.

C. Use of Required Yards.

1. Street Yards. Except as otherwise permitted, a street yard shall be used only for landscaping, pedestrian walkways, driveways, or off-street parking.

2. Rear and Interior Side Yards. Except as otherwise permitted, these yards shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, or similar accessory activities.

D. Auxiliary Structures. Auxiliary structures shall meet all of the setback requirements for main buildings unless otherwise specified within this code. Height of auxiliary structures shall be a maximum of fifteen feet.

E. Distance Between Structures. The minimum distance between detached structures on the same lot shall be ten feet unless otherwise specified in this code.

F. Fencing and Walls in the Office Professional, Commercial and Industrial Zones.

1. Fences or walls located in a required front or corner side yard shall not exceed three and one-half feet in height in the office and commercial zones. In the Industrial zones, security fencing up to six feet in height may be located in the front or exterior side yard provided the fence is constructed of decorative metal, is non view-obscuring and otherwise complies with the provisions contained in Section 13.14.040(C)(Security Fencing) of this title. Fences or walls on the interior side or rear yard of property zoned office, commercial or industrial shall not exceed eight feet in height unless otherwise approved through a development permit. Overall fence height is inclusive of security devices noted in subdivision (2) of this subsection.

2. In the industrial zones, barbed wire, concertina wire, or similar security devices are permitted on top of a minimum six-foot high fence or wall located in the rear or interior sideyard setback only. Wire shall fall inward to the property and shall not extend beyond the property line.

3. In the office or commercial zones, decorative iron curved inward to the property, shall be used as a security device in lieu of barbed wire, concertina wire, or similar security devices.

4. Fences and walls shall be designed to be compatible with on-site buildings in terms of color and/or materials. Within the required setback adjacent to a residential land use, a minimum six-foot high solid decorative block wall shall be required. Exceptions to this requirement may be granted by the Director where an equivalent buffer is provided through site design or site characteristics, such as difference in grade between sites.

5. All fences and walls are to be composed of new or good used materials as determined by the Director and shall be kept in good repair and adequately maintained at all times. Any dilapidated, dangerous, or unsightly walls or fences shall be removed or repaired. Anti-graffiti surfaces shall be provided pursuant to Section 7.16.130.

6. Walls or fences may not enclose required parking unless otherwise permitted by Section 13.06.070(E) (4) or 13.14.040(C).

7. Walls constructed next to a mobility element street shall be constructed with decorative block to the satisfaction of the Director. Anti-graffiti surfaces shall be provided pursuant to Section 7.16.130 or amendments thereto.

G. Fencing and Walls in the Open Space and Resort Recreation Zones.

1. Fences or walls located in the open space or resort recreation zones shall adhere to the fence height limitations of the residential zones unless otherwise approved pursuant to a development permit.

2. The Director may approve the use of security devices such as barbed wire, concertina wire or similar devices in the open space and resort recreation zones, provided the fencing will not adversely impact the public health or safety and it does not present a negative visual impact.

3. Walls constructed next to a mobility element street shall be constructed with decorative block to the satisfaction of the Director.

4. Anti-graffiti surfaces shall be provided pursuant to Section 7.16.130 of this title.

H. Large Family Day Care Homes. All large family day care homes shall comply with the following:

1. An area shall be provided for the temporary parking of at least two vehicles for the safe loading and unloading of children. In most cases, the driveway in front of a two-car garage will satisfy this requirement.

2. No large family day care home shall be permitted within 300 feet of another large family day care home on the same street frontage.

3. The premises for which application for a business license is made shall be inspected by the Fire Department and shall meet the requirements of the state fire marshal's regulations pertaining to large family day care homes in order for a business license to be approved.

4. All permits and licenses required by state law shall be obtained prior to commencing operation and all such licenses or permits shall be kept valid and current.

I. Equipment Screening. Any equipment, whether on the roof, on the side of a building, or on the ground, shall be screened from view. The method of screening shall be architecturally integrated with the building design in terms of material, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.

J. Trash Enclosures. All office, commercial and industrial developments shall provide an adequate number of trash enclosures on-site to meet the requirements of Chapter 9.02 Section 9.02.230 or amendments thereto. The enclosures shall be designed to the satisfaction of the Director and shall include a minimum six-foot high decorative or solid fence with a solid metal gate painted to match the on-site buildings. Each trash dumpster shall have an attached, water-proof cover that shall be kept closed at all times. The trash enclosures shall be easily accessible, shall not be located within any required setback or landscape area and shall not block any required parking area or driveway. Trash enclosures for residential projects shall conform to the provisions contained in Section 13.10.040(J) of this title.

K. Senior Housing Usable Open Space. All senior housing projects shall provide and maintain at least 200 square feet of usable recreation or open space per dwelling unit. Such space may be at ground level, or aboveground. Interior recreation facilities may be counted towards this requirement. Off-street parking and loading areas, driveways, service areas, areas within front or side yard setbacks, and areas in which any dimension is less than five feet shall not be counted in determining the required open space. Both common open space and private open space are applicable toward the minimum.

L. Low Impact Development (LID) Standards.

1. Requirements for all development projects, including priority development projects, shall include but not be limited to the following measures:

   (a) Source control BMPs that reduce stormwater pollutants of concern in urban runoff, including storm drain system stenciling and signage, properly designed outdoor material storage areas, properly designed trash storage areas, and implementation of efficient irrigation systems;

   (b) LID BMPs where feasible which maximize infiltration, provide retention, slow runoff, minimize impervious footprint, direct runoff from impervious areas into landscaping, and construct impervious surfaces to minimum widths necessary;

   (c) Buffer zones for natural water bodies, where feasible. Where buffer zones are infeasible, require project proponent to implement other buffers such as trees, access restrictions, etc., where feasible;

   (d) Submittal of proof of a mechanism under which ongoing long-term maintenance of all structural post-construction BMPs will be conducted.

2. The following LID site design BMPs shall be implemented for all priority development projects:

   (a) For priority development projects with landscaped or other pervious areas, drain a portion of impervious areas (rooftops, parking lots, sidewalks, walkways, patios, etc.) into pervious areas prior to discharge to the MS4. The amount of runoff from impervious areas that is to drain to pervious areas shall correspond with the total capacity of the project's pervious areas to infiltrate or treat runoff, taking into considerations the pervious areas' soil condition, slope, and other pertinent factors.

   (b) For priority development projects with landscaped or other pervious areas, properly design and construct the pervious areas to effectively receive and infiltrate or treat runoff from impervious areas, taking into consideration the pervious areas' soil conditions, slope, and other pertinent factors.

   (c) For priority development projects with low traffic areas and appropriate soil conditions, construct a portion of walkways, trails, overflow parking

lots, alleys, or other low-traffic areas with permeable surfaces, such as pervious concrete, porous asphalt, unit pavers, and granular materials.

3. Where applicable and determined feasible by the Director, the following LID BMPs shall be implemented at all priority development projects:

   (a) Conserve natural areas, including existing trees, other vegetation, and soils.

   (b) Construct streets, sidewalks, or parking lot aisles to the minimum widths necessary, provided that public safety and a walkable environment for pedestrians are not compromised.

   (c) Minimize the impervious footprint of the project.

   (d) Minimize soil compaction.

   (e) Minimize disturbances to natural drainages (e.g., natural swales, topographic depressions, etc.).

4. Where deemed applicable and feasible by the Director, source control and treatment control BMPs, designed to address pollutants of concern specific to the project site and/or the region in general shall be implemented at all priority development project sites. (Ord. 491 § 3, 2009; Ord. 478 § 1, 2008; Ord. 420 Exh. F, 2002; Ord. 401 § 8, 2001; Ord. 364 § 2, 1997; Ord. 325 § 2, 1994; Ord. 295 § 4, 1993; Ord. 250, 1990; Ord. 246, 1990; Ord. 152, 1985)

13.30.030 Performance standards.

The conduct and operation of all uses in all districts shall comply with the minimum standards of performance set forth in this section.

A. Noise.

1. Residential. All new residential construction shall comply with the noise insulation standards of the California Code of Regulations, Title 25. Refer also to the standards for new development contained in the noise element of the Santee general plan. Use of residential property shall comply with all standards and requirements of the City noise ordinance commencing with Section 5.04.010 of the Santee Municipal Code, or as may be hereafter amended.

2. Commercial/Industrial. All commercial and industrial uses shall be established and operated in compliance with the City noise ordinance, commencing with Section 5.04.010 of the Santee Municipal Code, or as may be hereafter amended.

3. Setting of Meter. Any sound or noise level measurement made pursuant to the provisions of this title shall be measured with a sound level meter using the A-weighting and “slow” response pursuant to applicable manufacturer’s

instructions, except that for sounds of a duration of two seconds or less the fast response shall be used and the average level during the occurrence of the sound reported.

4. Calibration of Meter. The sound level meter shall be appropriately calibrated and adjusted as necessary by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances set forth in American National Standards ANSI-SI.4-1971.

5. Location of Microphone.

   (a) All measurements shall be taken at any lot line of the lot containing the use, except as otherwise provided by this subsection. For outside measurements, the measuring microphone shall not be less than four feet above the ground, at least four feet distant from walls or other large reflecting surfaces and shall be protected from the effects of wind noises by the use of appropriate wind screens. In cases when the microphone must be located within ten feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of sources, microphone and reflecting surfaces shall be noted and recorded. In no case shall a noise measurement be taken within five feet of the noise source.

   (b) For measurement taken to determine sound levels in adjacent zones, the microphone shall be at the boundary line between the adjacent zones.

6. Measured Sound Levels. The measurement of sound level limits shall be the average sound level for a period of one hour.

B. Lights. All public parking areas shall be adequately lighted. All lighting shall be designed and adjusted to reflect light away from any road or street, and away from any adjoining premises. All lights and illuminated signs shall be shielded or directed so as to not cause glare on adjacent properties or to motorists.

C. Smoke. No operation or activity is permitted to have operations which emit excessive smoke, fumes, or dust or which exceed the requirements or levels as specified by the Air Pollution Control District (APCD).

D. Maintenance of Open Areas. All open areas shall be landscaped, surfaced, or treated and maintained permanently in a dust free condition.

E. Vibration. No operation or activity is permitted which will create vibration noticeable without instruments at the perimeter of the subject property.

F. Mechanical and Electrical Equipment. All such equipment, including air conditioners, antennas, pumps, transformers, heating and ventilating equipment, shall be located and operated in a manner that does not disturb adjacent uses and activities.

G. Electrical Interference. No operation or activity shall transmit, generate, or otherwise cause any electrical, magnetic, or electromagnetic radiation disturbance that affects the operation of any use, equipment, or process employed by any use beyond the boundary of the site.

H. Fire or Explosive Hazard. All operations or activities shall conform with the minimum requirements of the Uniform Fire Code, as adopted and amended by the Santee Fire Department, and with the provisions of Title 19 of the California Administrative Code.

I. Liquid and Solid Wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in conformance with the regulations of the building division.

J. Outdoor Storage, Trash Areas and Service Areas. All areas for storage of maintenance equipment or vehicles, refuse storage and collection areas and service areas, shall be enclosed or effectively screened from public view by use of a fence, wall, landscaping, bermings or a combination thereof.

K. Air Quality. No operation or activity shall cause the emission of any smoke, fly ash, dust, fumes, vapors, gases or other forms of matter, which can cause damage to health, animals, vegetation, or other forms of property, or which can cause excessive soiling on any other lot. No emission shall be permitted which exceeds the requirements of Air Pollution Control District or the requirements of any Air Quality Plan adopted by the City of Santee.

L. Heat or Cold. No operation or activity shall emit heat which would cause a temperature increase or decrease on any adjacent property in excess of ten degrees Fahrenheit, whether the change is in the air, on the ground, or in any structure.

M. Odors. No operation or activity shall be permitted to emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious or otherwise objectionable and readily detectable without the aid of instruments at or beyond the lot line.

N. Fissionable or Radioactive Materials. No operation or activities shall be permitted which result at any time in the release or emission of any fissionable or radioactive materials into the atmosphere, the ground, or sewerage systems.

O. Exemptions. The following sources of nuisances are exempt from the provisions of this section: 1. Emergency equipment, vehicles and devices.

1. Temporary construction, maintenance, or demolition activities Monday through Saturday, between the hours of seven a.m. and seven p.m., except national holidays.

P. Property Maintenance. All buildings, structures, yards and other improvements shall be properly maintained. The following conditions are prohibited:

1. Dilapidated, deteriorating, or unrepaired structures, including, but not limited to, signs, fences, roofs, doors, walls, and windows.

2. Accumulation of scrap lumber, junk, trash, debris, or inoperative vehicles that are visible from adjacent properties or the public right-of-way.

3. Parking of vehicles on an unpaved surface.

4. Swimming pools that are not properly treated with chemicals or are drained of water and not properly fenced to prohibit access, thereby creating a threat to the public health and safety. (Ord. 420 Exh. F, 2002; Ord. 341 § 2, 1995; Ord. 301 § 3, 1993; Ord. 152, 1985)

EXHIBIT 17

CHAPTER 13.32 SIGNS

13.32.010 Purpose and general plan consistency.

A. Declaration of Need.

1. The city recognizes the need for signs as a means to identify and advertise businesses within the community. The city also recognizes that signing is an important design element of the physical environment. Regulations consistent with the goals and objectives of the community are necessary to ensure that the special character and image the community is striving for can be attained while serving business needs in the community. The city is striving to provide an economically stable and visually attractive community through high-quality site planning, building design, landscaping and signing. As a planned architectural feature, a sign can be pleasing and can harmonize with the physical character of its environment. Proper controls can achieve these goals and will make the City a more attractive place to live, work and shop.

2. It is the purpose of this chapter to make the City attractive to residents, visitors and commercial, industrial and professional businesses while maintaining economic stability through an effective and high-quality signing program.

B. Objectives and Basis. The objective and basis for the various sign regulations contained within this title are:

1. To protect the general public health, safety and welfare of the community;

2. To reduce possible traffic and safety hazards through efficient signing;

3. To direct persons to various activities and uses, in order to provide for the safe and efficient movement of traffic and the maximum public convenience;

4. To provide a reasonable system of sign regulations, to ensure the development of a high-quality visual environment;

5. To encourage signs which are well-designed as well as readable and legible and to provide incentive and latitude for variety, good design relationships and spacing;

6. To encourage a desirable community character which has a minimum of visual clutter;

7. To enhance the economic value of the community and each area, business and use through the regulation of such things as size, number, location and design of signs;

8. To encourage signs which are well located, compatible with adjacent land uses;

9. To promote signage which consolidates advertising for businesses and presents a cohesive thematic pattern. (Ord. 195 § 2, 1987)

13.32.020 Definitions.

The following are definitions of terms contained in this chapter:

"Area of sign" means the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character, together with any other material or color forming an integral part of the display or used to differentiate such sign from the background on which it is placed. The area of a sign having no such perimeter shall be computed by enclosing the entire area within parallelograms, triangles or circles in a size sufficient to cover the entire area and computing the size of such area. In the case of a two-sided sign, the area shall be computed as including only the maximum single display surface which is visible from any ground position at one time. The supports or uprights on which any sign is supported are not included in determining the sign area unless such supports or uprights are designed in such a manner as to form an integral background of the sign. In the case of any cylindrical sign the total area shall be computed on the total area of the surface of the sign.

"Balloon" means an inflated sphere or ball shape commonly made out of rubber, canvas or nylon material.

"Banner" means a strip of cloth, plastic or paper upon which a sign or message is painted or printed and does not include flags as described in Section 13.32.040 or 13.32.050.

"Building face" means the distance between the two most distant corners of a building elevation measured in a straight line along a building facade bordering an adjoining public street or freeway. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

"Building frontage" means the length of the single front building elevation in which the primary entrance to the business is located. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

"Canopy" means a permanent roof-like shelter extending from part or all of a building face and constructed of durable material which may not project over a public right-of-way.

"Canopy sign" means a wall sign attached to the face of a canopy, but not projecting above the top of the canopy.

"Center" means a development which includes ten or more tenant spaces in which businesses and structures are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots or parcels making up the center.

"Changeable copy sign" means a sign displaying a message that is changed by means of moveable letters, slats, lights, light emitting diodes, or moveable background material. Digital signs, dynamic signs, changeable electronic variable message signs are all within this definition.

"Commercial directional sign" means a sign on commercial or industrial property that directs or guides vehicles and pedestrians to on-site activities and complies with the standards in this chapter.

"Commercial property" means property that is designated for commercial or office uses in the General Plan.

"Commercial sign" means any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to communicate commercial speech.

"Commercial speech" or "commercial message" means a message that concerns primarily the economic interests of the message sponsor or the viewing audience, or both, or that proposes a commercial transaction. Commercial speech includes any message that identifies a business.

"Comprehensive sign program" means a type of a sign permit obtained to integrate signs with building and landscaping design and to achieve architectural unity for commercial and industrial centers consisting of ten or more tenant spaces. Sign programs need not mandate specific elements such as color, size, location, lighting, and uniformity.

"Copy" means any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

"Development" has the same meaning as that term is defined in Chapter 13.04.

"Digital display" means a display method utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or any combination of them.

"Double-frontage business" means a business which has one face of its building other than the building frontage, which is parallel to a public street or freeway.

"Electronic message center sign" "EMC" or "electronic message display" means a sign that uses digital display to present variable message displays by projecting an electronically controlled pattern and which can be programmed to periodically change the message display.

"Feather or Flag sign" means a temporary, free standing pole with attachment that contains commercial speech and that does not exceed 15 feet in height.

"Flag" means a rectangular-shaped piece of cloth having a distinctive symbol or design.

"Flashing sign" means any sign which by method or manner or construction or illumination, flashes on or off, winks or blinks with varying light intensity, shows motions or creates the illusion of motion, or revolves to create the illusion of being on and off. This definition does not include changeable copy signs with digital displays that meet the requirements of this Chapter.

"Freestanding sign" means a sign which is permanently supported by one or more uprights, braces, poles or other similar structural components that is not attached to a building or buildings.

"Freeway" means State Route 67, State Route 52 or State Route 125.

"Freeway-serving sign" means any structure, housing, device, figure, statuary, painting, display, message placard or other contrivance, including a wall sign or freestanding sign which provides information in the nature of advertising which is: (1) oriented toward traffic on SR52, SR67 or SR125; and (2) will retain an unobstructed view from SR52, SR67 or SR125, taking into account the likely ultimate development of surrounding properties based on current general plan and zoning regulations.

"Freeway-serving uses" means the following: banks, hotels/motels, restaurants, gasoline stations, automobile and recreational vehicle dealerships and shopping centers, or regional uses. Additional businesses may qualify for classification as a freeway-serving use pursuant to Section 13.32.050(C)(6) of this chapter.

"Height of sign" or "height" means the greatest vertical distance measured from the existing grade at the point the sign supports intersect the ground and any accompanying architectural features of the sign.

"Industrial property" means property that is designated for industrial uses in the General Plan.

"Inoperative activity" means a business or activity that has ceased operation at any given location for a continuous period of at least 180 days.

"Interior sign" means a sign inside of any business that cannot be seen from outside the building in which the business is located.

"Legal" means authorized or permitted in accordance with defined procedures by ordinance or law.

"Logo" means a trademark or symbol used to identify a business.

"Monument sign" means a low profile freestanding sign.

"Non-commercial sign" means a sign containing a message that does not include commercial speech.

"Nonconforming sign" means a sign that does not comply with the provisions of this chapter. If a sign was lawfully erected prior to the effective date of the ordinance codified in this chapter, and meets the size, height and location standards set forth in this chapter, it shall not be considered nonconforming.

"Off-premises sign" means a permanent sign that contains commercial speech related to a business, product, services or facilities on premises different from where the sign is located.

"Pennant" means a triangular or tapered-to-a-point shaped piece of cloth, plastic or paper used for identification or signaling, without company logos or other copy.

"Permanent sign" means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. When the term "sign" is used independently, it means permanent sign unless the context clearly indicates otherwise.

"Pictograph" means a symbol used to identify a business.

"Portable sign" means a freestanding sign that is not permanently attached, affixed, anchored, or secured to the ground or to a structure. This does not include vehicle signs.

"Premises" means a building or unified complex of buildings on one lot or on two or more contiguous lots under common ownership or management.

"Projecting sign" means any sign other than a wall or canopy sign which is attached to and projects from a structure or a building face or wall; also known as a "blade" sign.

"Public right-of-way" means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, bikeway, pedestrian walkway and other public uses.

"Regional use" means a use or group of related commercial or industrial uses located in a single center of 30 acres or more, whose market area extends beyond the City limits and includes a larger regional scale. Additional businesses may qualify for classification as a regional use pursuant to Section 13.32.050(C)(6) of this chapter.

"Roof" means the external covering of a building or structure above or covering any exterior or interior vertical wall height.

"Roofline" means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

"Roof sign" means a sign erected, constructed or placed upon or over a roof of a building, except a mansard roof or canopy, and which is wholly or partly supported by such buildings.

"Seasonal decorations" means decorations placed in remembrance or celebration of any recognized religious, local, State or Federal holiday.

"Statuary" means statues or sculptures that depict products, features, items, or logos of a business excluding those items that are considered design features or complements of the overall site such as wagons, benches, hand water pumps, troughs, and other like items.

"Temporary non-commercial sign" means a non-commercial sign that also qualifies as a temporary sign.

"Temporary sign" means a sign or advertising display constructed of fabric, cardboard, plywood or other light material, with or without a frame that is designed or intended to be displayed for a short period of time and attached to the ground or a structure. Temporary signs do not include permitted portable signs such as A-frame signs that are placed but not attached or affixed to the ground or a structure.

"Useful life" means the period of time in which a sign and all its parts, portions and materials are maintained and kept in proper repair.

"Vehicle sign" means a sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, which conveys a commercial message of a business located on such property.

"Wall sign" means a sign painted, attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. A parapet, mansard, or canopy sign shall be considered a wall sign, provided it is architecturally integrated with the building and does not project above the roofline.

"Window sign" means a sign painted, attached, glued or otherwise affixed to a window, or otherwise easily visible from the exterior of the building. (Ord. 541 § 2, 2016; Ord. 507 § 1, 2011; Ord. 374 § 3, 1998; Ord. 369 § 2, 1998; Ord. 303 § 2, 1993; Ord. 272, 1991; Ord. 200 § 1, 1988; Ord. 195 § 2, 1987)

13.32.025 Comprehensive Sign Program

A. Comprehensive Sign Program for Commercial and Industrial Zones. A comprehensive sign program permit is required prior to issuance of individual sign permits for all new commercial and industrial centers consisting of ten (10) or more tenant spaces. The purposes of the program are to integrate signs with building and landscaping design to create a unified architectural unit and to:

1. locate signs to avoid conflicts with vehicles and pedestrians and to protect public safety;

2. employ compatible location and type of construction to ensure well planned signage;

3. ensure compliance with the sign ordinance.

B. Provisions. An approved sign program may provide additional flexibility in the location, size, and placement of signs above than what would be strictly allowed under this Chapter.

C. Method of Application. An application for a comprehensive sign program must be made on forms prescribed by the Director of Development Services and be filed with the Planning Department.

D. Method of Review. All comprehensive sign programs shall be reviewed and approved by the Director.

13.32.030 Permit requirements—Review procedures and administration.

A. Sign Permit Required. Except where otherwise provided in this Chapter, a sign permit is required prior to placing, erecting, moving, or reconstructing of any permanent sign. A temporary sign permit is required for all temporary signs, unless expressly exempted by this chapter. One or more signs may be approved per sign permit. A sign permit is also required for a comprehensive sign program. The method of application for a comprehensive sign program is described in 13.32.025 of this Chapter. Signs requiring a permit shall comply with the provisions of this chapter and all other applicable laws and ordinances.

1. Method of Application. An application for a sign permit shall be made on forms as prescribed by the Director of Development Services. Such an application shall be filed with the Planning Department and shall be accompanied by the plans and materials as required by the Director of Development Services. Sign applications must be accompanied by a building permit if required:

2. Method of Review. The purpose of a sign permit is to ensure compliance with the provisions of this chapter and to ensure that any sign proposal is in conformance with the general plan, as well as other applicable ordinances and policies of the city. After receipt of a sign application, the Director of Development Services or authorized designee shall render a decision to approve, approve with modifications, or deny such sign request. The Director may set any application for an administrative hearing if input from the surrounding residents or property owners is desired.

3. Building Permit Required. Issuance of a sign permit in no way precludes the necessity for obtaining building permits for signs in all instances where building permits are required by the city.

B. Director. Except as otherwise provided, it is the responsibility of the Director or authorized designee to enforce all provisions of this chapter.

C. Interpretation of Provisions.

1. The provisions of this chapter are not intended to abrogate any easements, covenants or other existing agreements which are more restrictive than the provisions of this chapter.

2. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of proper jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

3. If ambiguity arises concerning the interpretation of any provision of this chapter, it shall be the duty of the Planning Commission to ascertain all pertinent facts and by resolution set forth the findings and the interpretations.

D. Variances. The Director is authorized to grant variances to provide flexibility from the strict application of sign regulations when special circumstances pertaining to the property such as size, shape, topography, or location deprives such property of privileges enjoyed by other property in the vicinity. Applications for variances shall be reviewed by the Director according to the variance procedures as set forth in Section 13.06.040 of this title.

E. Appeals. Except as otherwise provided in this Chapter, a decision issued pursuant to this chapter may be appealed as provided by the appeal procedures set forth in Title 1. The Director may waive the period for bringing an appeal if the sign permit does not entail a freeway-serving sign. (Ord. 507 § 1, 2011; Ord. 369 §§ 3, 4, 1998; Ord. 305 § 2, 1993; Ord. 272, 1991; Ord. 195 § 2, 1987)

13.32.035 Transferability.

In each instance and under the same conditions in which this chapter permits any sign, a sign containing an ideological, political or other noncommercial message and constructed to the same physical dimensions and characteristics shall be permitted in lieu of that sign. (Ord. 357 § 1, 1997)

13.32.040 General provisions.

A. Signs exempt from permitting and standards. In addition to specific provisions elsewhere in this chapter that exempt certain signs from the permitting requirement, the following signs are exempt from the application, permit and fee requirements of this chapter; provided however, that building permits may be required, all signs shall be located in accordance with the setback regulations contained in Section 13.32.060(A)(4) of this chapter.

1. Signs of public service and utility companies indicating danger, or which serve as an aide to public safety, or which show underground facilities or public infrastructure;

2. Railroad crossing signs;

3. Traffic or municipal signs posted by government agencies;

4. Signs and notices required by law or by federal, state, county, or city authority, and signs and notices issued by a court, public body, person, or officer in performance of their public duty or in giving any legal notice;

5. Address signs that are required by and conform with the Building Code;

6. Public service and civic identification signs promoting City-sponsored activities or community events as authorized by the City Council;

7. Interior signs within a structure or building not visible or readable or intended to be read from off-site or from outside of the building or structure;

8. Change of copy on a previously approved sign where no alterations are to be made requiring a building permit.

B. Signs exempt from permitting requirements. The following signs do not require permits pursuant to section 13.32.030 when they comply with the applicable standards in this chapter:

1. Permanent Window Signage. Permanent window signs not exceeding 25% of the window area are permitted as permanent signs.

2. Commercial Directional Signs. Either one commercial directional sign up to a maximum area of sign of 20 square feet in area or one per tenant up to four square feet, provided that each sign satisfies the following:

   (a) Located on property in any zone which also contains a public parking area on-site; and

   (b) Sign is not readable from the public right of way or is oriented towards pedestrians or drivers on-site.

3. Flags. A single official flag of the United States of America and two flags of either the state or other states of the United States, counties, municipalities or official flags for nations, and of organizations or companies. Company flags may not be flown in residential zones. Flags shall be a maximum of five feet by eight feet. Maximum height shall meet height requirements set forth in this title.

4. Vehicles

   (a) Signs on public transportation vehicles and structures including, but not limited to, buses, taxicabs, or other public transportation;

   (b) Signs on licensed vehicles, provided such vehicles are not used or intended for use as portable signs or as may be prohibited in Subsection B of this section.

5. Projecting Signs. Commercial projecting signs are allowed subject to the following standards:

   (a) Such signs shall not project into the public right-of-way;

(b) Such signs do not exceed two (2) square feet in sign area (on one side);

(c) Such signs do not project more than two (2) feet from the building wall;

(d) A minimum of eight (8) feet of clearance is provided from the finished ground surface and the bottom of the sign;

(e) Maximum of one such sign per store frontage;

(f) Sign may not be internally illuminated.

6. Transportation Infrastructure. Commercial speech may be allowed bus benches, bus shelters, and other public transportation infrastructure.

7. Properties for sale in any zone may display one temporary sign not exceeding four (4) square feet in size or four (4) feet in height.

8. Temporary and portable signs that comply with the standards set forth in Section 13.32.060, except where that Section indicates a permit is required.

13.32.045 Prohibited Signs

Any sign not specifically authorized by this chapter shall be prohibited unless required by law or utilized by a proper government agency. The following signs are expressly prohibited:

A. Roof signs;

B. Flashing sign;

C. Inflatable advertising devices of a temporary or permanent nature;

D. Temporary inflatable signs that demonstrate motion through the use of fans (commonly known as “Wind Dancer” or “Floppy person” signs);

E. Search lights and beacons;

F. Revolving or rotating signs;

G. Signs without an approved sign permit, unless specifically exempt per this chapter;

H. Signs within the public right-of-way, except where required by a government agency or otherwise permitted by city ordinances;

I. Signs blocking doors or fire escapes;

J. Signs which purport to be or are an imitation of or resemble official traffic warning devices or signs, that by color, location or lighting may confuse or disorient vehicular or

pedestrian traffic. This does not include signs otherwise authorized by this chapter, including but not limited to commercial directional signs;

K. Off-premises signs, except as part of a City-approved sign program;

L. Signs Relating to Inoperative Activities or Businesses and to Illegally Operating Businesses or Activities. Signs pertaining to activities or businesses which are no longer in operation shall be removed from the premises, or the sign copy shall be removed or obliterated, within ninety calendar days after the premises have been vacated or the business to which the sign copy pertains has ceased. For businesses or activities that are illegally operating, any signs pertaining to such illegal use shall be removed from the premises or the sign copy shall be removed or obliterated upon notification from the Director that the business is operating illegally. (Ord. 541 § 1, 2016; Ord. 507 § 1, 2011; Ord. 357 § 2, 1997; Ord. 303 § 2, 1993; Ord. 272, 1991; Ord. 210 § 1, 1988; Ord. 200 § 1, 1988; Ord. 195 § 2, 1987)

13.32.050 Sign regulations.

The provisions in the Tables in this section are the signage maximums allowed in the City. All signs must also be in compliance with the goals and objectives of the general plan, and the provisions of this title as well as the design standards specified in Section 13.32.060 of this chapter.

A. Signs Permitted in the Commercial, Office, Industrial, and Planned Development Zones. The maximum signage that will be allowed in the commercial, office, industrial and planned development zones shall be as follows unless otherwise indicated in this chapter:

TABLE 13.32.050(A)

CLASS	SIGN TYPE	MAXIMUM NUMBER	MAXIMUM SIGNAGE PER BUSINESS	MAXIMUM HEIGHT	OTHER STANDARDS
1. Commercial and office business not within a center and all industrial business and centers	Wall	No limit	The length of the building frontage multiplied by 1 (with a minimum of 21 sq. ft. permitted)	Not to project above roofline	a. In lieu of a freestanding sign, an additional 36 sq. ft. of wall signage may be permitted. b. When more than one separate premises agrees to share a freestanding sign, that sign may be a maximum of 54 sq. ft. c. Addresses are required to be shown for each business on a freestanding sign, or, if none exists, on the building. d. Double-frontage business may have additional wall signage equal to 0.5 multiplied by the length of the second building face. Additional signage may only be located on the second face. All such signs shall be clearly readable from the public street.
	Freestanding	One per premises	36 sq. ft. (may be double-faced)	Not to exceed eight feet in overall height from existing grade	
2. Commercial and office centers and businesses within those centers and also outdoor automotive sales and rental businesses when approved in conjunction with a development permit	Wall	No limit	The length of the building frontage multiplied by 1 (with a minimum of 21 sq. ft. permitted)	Not to project above the roofline	a. When two freestanding signs are permitted, they may be located on the same street frontage. b. Addresses are required to be shown for each business or center on a freestanding sign, or, if none exists, on the building. c. Double-frontage businesses may have additional wall signage equal to 0.5 multiplied by the length of the second building face. All such signs shall be clearly readable from the public street.
	Freestanding	1 per street frontage of the center not to exceed 2 per center -and-	84 square foot sign (may be double- faced)	Not to exceed 15 feet in height	
		1 per single tenant occupying the entire building located on a separate pad within the center	24 square foot sign (may be double- faced)	Not to exceed 6 feet in height	
3. Commercial business zoned planned development (includes centers and business not within centers)	Wall	No limit	The length of the building frontage multiplied by 1 (with a minimum of 21 sq. ft. permitted)	Not to project above the roofline	a. Addresses are required to be shown for each business or center on a freestanding sign, or, if none exist, on the building. b. When two freestanding signs are permitted, they may be located on the same street frontage. c. Double-frontage businesses may have additional wall signage equal to 0.5 multiplied by the length of the second building face. Additional signage may only be located on the second face. All such signs shall be clearly readable from the public street.
	Freestanding	One per street frontage of the premises, not to exceed two per premises	48 square feet (may be double-faced)	Not to exceed 6 feet in height	

B. Signs Permitted in the Residential Zones.* The maximum signage that will be allowed in the residential zones shall be as follows:

TABLE 13.32.050(B)

CLASS	SIGN TYPE	MAXIMUM NUMBER	MAXIMUM AREA PER SIGN FACE	MAXIMUM HEIGHT
Residential	Wall	1 per major entry to project	48 sq. ft.	Not to project over roofline
		OR		
	Freestanding	1 per major entry to project	48 sq. ft.	Not to exceed 6 feet in overall height from grade

* Addresses are required to be shown for each development on a freestanding sign, or, if none exists, on the building.

C. General Use Signs. Sign permits may be issued for signs included under this section throughout the City unless otherwise designated. The method of application for such signs is as per Section 13.32.030(A)(1) of this chapter. These signs are in addition to those signs expressly regulated in this Chapter and are subject to the provisions listed in this subsection:

1. Use of Flags. The use of flags is permitted in conjunction with an approved residential subdivision sales office. The use of such flags shall conform to the following provisions:

   (a) The flags shall be no higher than eighteen feet from existing grade;

   (b) In no case shall the flags be allowed within the public right-of-way;

   (c) Each flag must be affixed to a standard implanted in the ground;

   (d) The flags can be maintained as long as a valid operating permit for the sales office has been granted;

   (e) The maximum size of the flag shall not exceed three feet by five feet and shall be maintained in good condition. Torn or worn flags shall be replaced.

2. On-Site Subdivision Signs.

   (a) One temporary on-site subdivision sign not to exceed an area of sign of 64 square feet total for two sides or 32 square feet for one side and a total overall height of 12 feet may be permitted on each street frontage of the property being subdivided not to exceed two such signs for any subdivision, otherwise a maximum of one sign is permitted.

(b) Such signs shall be removed within ten calendar days from the date of the final sale of the land and/or residences or within 24 months, whichever comes first. A single extension of 12 months may be approved by the Director of Development Services.

(c) Signs shall be maintained in good repair at all times.

3. Temporary Real Estate Directional Signs on City-Provided Kiosks. Sign panels on City-provided kiosks may be authorized for the purpose of providing directional information to residential developments, including mobilehome parks which are offering the sale or rental for the first time, of houses, apartments, lots or mobilehome spaces, provided:

(a) Number. The maximum number of single-faced sign panels allowed shall be eight per development. Double-faced sign panels shall be counted as two signs.

(b) Area and Dimensions. Sign panels shall be five square feet in total area of sign, and shall measure five feet horizontal length by one foot vertical length.

(c) Height. Maximum sign height for a single sign structure (kiosk) shall be eleven feet.

(d) Kiosk Structures. All sign panels shall be located on a city approved kiosk structure.

(e) Permitted Locations. Signs shall be located on designated city kiosk structures within the public right-of-way. If, in the opinion of the Director, available city kiosk structures will not permit adequate directional information, kiosk structures may be approved by the Director on private property with the written permission of the property owner. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted to and approved by the Department prior to the acceptance of a sign permit application.

(f) Sign Copy. Each temporary real estate directional sign shall contain only the name of the subdivision and a directional arrow. Community directional signs (City Hall, library, parks, etc.) may also be allowed on kiosk structures.

(g) Spacing. No temporary real estate directional sign shall be placed within 300 feet of another except when they are across the street from one another. A maximum of seven temporary real estate directional sign panels for different developments may be grouped on a single sign structure face. Only one panel per development may be placed on a single sign structure face.

(h) Right of Entry. All kiosks which are placed on private property must have written consent of the property owners to allow the City, in the event of noncompliance, to enter said property and remove the sign. A copy of said consent shall be filed with the Department prior to the acceptance of a sign permit application.

(i) Changes. Any sign approved for a particular subdivision within the City shall not be changed to another subdivision without prior approval of the Director.

(j) Time Period. Permits for sign panels shall be issued for a limited period of time, not to exceed 24 months or until the first sale or rental of all units is completed, whichever occurs first. At that time, the permittee shall apply for a one-year extension or all signs shall be removed.

(k) Unauthorized Alterations. There shall be no additions, tag signs, attention-getting devices, or other appurtenances added to the sign as approved.

(l) Lighting. Illumination by any means is prohibited.

4. Electronic Message Center. Electronic message center signs (EMC) may be permitted subject to compliance with the following requirements:

(a) The maximum size of the sign area must comply with the sizes for the applicable use as provided in Table 13.32.050(A);

(b) EMC signs are allowed only on parcels with frontage on Prime Arterials, Major Arterials, Parkways, or Collector Roads with Two-Way Left Turn Lane (TWLTL) as defined in the Mobility Element of the General Plan;

(c) The copy of electronically displayed messages may change no more frequently than once every eight seconds. The transition from one message to another should be instantaneously as perceived by the human eye;

(d) Each signage shall be complete in itself and shall not continue on a subsequent sign;

(e) Displays on an EMC must contain static messages only and must not have movement, or the appearance of optical illusion or movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity;

(f) EMC’s located in Airport Influence Area 1 of Gillespie Field are subject to review by the Federal Aviation Administration and / or the Airport Land Use Commission;

(g) EMC illumination requirements. Between dusk and dawn the illumination of an EMC shall conform to the following requirements:

(i) The luminance of an EMC shall not exceed 0.3 foot-candles more than ambient lighting conditions when measured at the recommended distance in listed below:

Area of Sign (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92

(ii) The luminance of an EMC shall be measured with a luminance meter set to measure foot-candles accurate to at least two decimals. Luminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC, or a solid message for a single-color EMC. All measurements shall

be taken perpendicular to the face of the EMC at the distance specified in this subdivision based on the total square footage of the area of the EMC;

(iii) The developer / sign company shall provide a copy of a luminance report prepared by a lighting or electrical engineer prior to final permit inspection;

(iv) All electronic message center signs must be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions or can be adjusted to comply with the illumination requirements of this section.

5. Temporary and Portable Signs. Temporary and portable signs that require a permit as set forth in Section 13.32.060.

6. Freeway-Serving Signs. The sign area and height for one freestanding sign permitted pursuant to Table 13.32.050(A) of this chapter may be increased for an eligible property as indicated in Table 13.32.050(C) of this chapter and shall be subject to the provisions in that table and this subsection.* If an eligible property is allowed a larger sign area pursuant to Table 13.32.050(A) of this chapter, then those standards shall apply.

*Excluded from the provisions of this Subsection are single tenants occupying the entire building located on a separate pad within a large office/commercial center with ten or more tenant spaces. The freestanding sign area and height for these businesses shall remain a maximum of 24 square feet in area and six feet in height.

TABLE 13.32.050(C)
Freeway-Serving Signs

The permit requirements for freeway-serving signs shall be per Section 13.32.030 of this chapter unless otherwise indicated below.

CLASS	ELIGIBLE PROPERTY	MAXIMUM FREESTANDING SIGN AREA	MAXIMUM FREESTANDING SIGN HEIGHT	
1. Freeway-serving and regional uses in general commercial, neighborhood commercial, office professional, light industrial or general industrial zones.[1]	Within 111 feet of a freeway right-of-way that is constructed and operational within the City.	54 square feet (may be double-faced)	15 feet above existing grade	a. In lieu of one permitted freestanding sign, the sign area for that sign may be transferred to wall signage for a double frontage building that has a second building face that is parallel to a freeway.2 The total wall sign area for that building shall not exceed the length of the building frontage multiplied by two. The wall sign may not project above the roofline and must be readable from the freeway. b. When more than one separate premises agrees to share a freestanding sign, the sign area may be a maximum of 84 square feet. c. The freestanding sign or wall signage shall identify only the freeway-serving use or regional use which is located on the same parcel or premises and shall be readable from the freeway.
2. Freeway-serving and regional uses in general commercial, neighborhood commercial, office professional, light industrial or general industrial zones.[1]	Within 111 feet of a freeway right-of-way that is constructed and operational within the City.	84 square feet (may be double-faced)[3]	More than 15 feet above existing grade to a maximum of either 15 feet above the freeway grade measured from the level of the closest travel lane of the freeway to the top of the sign or a maximum of 50 feet above grade whichever is less.[3]	a. Requires the approval of a conditional use permit pursuant to Section 13.06.030 of this title and subject to all of the following criteria: i. A large sign is needed to achieve the minimum visibility necessary to allow safe reaction time by freeway motorists; and ii. Based on specific site characteristics, the sign is the least obtrusive design solution; and iii. The sign is readable from the freeway. The sign is consistent with Federal Aviation Administration (FAA) regulations with regard to navigable airspace. b. The freestanding sign or wall signage shall identify only the freeway-serving or regional use which is located in the same parcel or premises.

[1] Additional business may qualify as freeway-serving or regional uses if the criteria contained in Subsection (C)(6) of this section are met and subject to a conditional use permit.

[2] The total amount of freestanding sign area permitted pursuant to this table may be transferred to wall signage pursuant to the required permit process for the freestanding sign identified in this table. In any event, the total wall sign area for the building shall not exceed the length of the building frontage multiplied by two.

[3] Exceptions to the maximum sign area and/or height may be granted as part of the conditional use permit process if it is found that, due to characteristics unique to the site, a larger sign is needed to achieve minimum visibility from the freeway.

(a) Design Standards. All wall signs and freestanding signs approved pursuant to this Subsection shall comply with the design standards contained in Section 13.32.060 of this chapter. In addition, all freestanding signs approved pursuant to this Subsection shall meet the following design standards:

(i) The use of a logo or pictograph is encouraged as a simple and easily recognizable message.

(ii) Signs other than individual pole signs are encouraged. Preferred alternatives include monument signs or signs that are appropriately integrated with the building design elements such as towers, mansards, cupolas or other architectural or artistic elements. Roof signs are prohibited.

(iii) All freeway-serving signs shall be oriented toward the freeway.

(b) Freeway-Serving Uses. In addition to the freeway-serving uses defined in Section 13.32.020 of this chapter, other businesses may qualify as a freeway-serving or regional use subject to the approval of a conditional use permit pursuant to Section 13.06.030 of this title if it is found that the business has a market area that draws customers from the region. (Ord. 507 § 1, 2011; Ord. 382 § 2, 1998; Ord. 374 § 4, 1998; Ord. 369 §§ 5, 6 & 7, 1998; Ord. 303 § 2, 1993; Ord. 272, 1991; Ord. 210 § 1, 1988; Ord. 200 § 1, 1988; Ord. 195 § 2, 1987)

13.32.060 Design standards.

A. Permanent Signs. Each permanent approved sign must meet the following standards in addition to any other standards set forth in this title:

1. Relationship to Buildings. The materials used in the construction of the signs shall not conflict with the materials of other on-site signs and buildings.

2. Relationship to Other Signs. All signs located on the same site shall have designs which are well related to one another by utilizing the same type of sign (i.e., channel letters, cabinet).

3. Colors. Colors shall not be offensive. Use of day glow colors are prohibited.

4. Location. All freestanding signs must be located outside the public right-of-way and at least three feet from any public pedestrian or bicycle pathway. The location of the sign shall not conflict with future development.

5. Landscaping. Each freestanding sign shall be located in a planted landscaped area which is of a shape, design and size (equal to at least the sign area) that will provide a compatible setting and ground definition to the sign. The planted landscaped area shall be maintained on a reasonable and regular basis and separated by any parking or paved area by a six-inch curb.

6. Illumination and Motion. Freestanding signs shall be nonmoving stationary structures (in all components) and illumination, if any, shall be stationary and constant in intensity and color at all times (nonflashing). Neon, LED, and conventional lighting whether internal or external to the sign are all approved lighting techniques and methods.

7. Materials. Every sign and all parts, portions and materials shall be manufactured, assembled and erected in compliance with all applicable state, federal and city regulations and the Uniform Building Code. This does not apply to temporary signs.

8. Every sign, including those specifically exempt from the requirement to obtain a sign permit and pay permit fees, and all parts, portions and materials shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted and free from rust and corrosion. Any crack, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within 30 calendar days following notification by the City. Noncompliance with such a request shall constitute a nuisance.

9. Sign Faces. Unless stated otherwise, freestanding signs may be single-faced or double-faced.

10. Relationship to Streets. Signs shall be designed so as not to obstruct any pedestrian, bicyclist, or driver's view of right-of-way.

11. The placement of freestanding signs shall take into consideration the location of existing utility poles and boxes, traffic signs and existing freestanding signs on adjacent properties to the extent feasible to reduce visual clutter and increase legibility.

B. Temporary Signs. Temporary signs may be placed in the public right-of-way or on individual parcels outside the public right-of-way, subject to the following standards and regulations in this Subsection, in addition to any other applicable regulations in this title:

1. Within Public Right-of-Way

(a) Portable signs. Portable signs with commercial messages and non-commercial signs may be placed in the public right-of-way without a sign permit on Fridays, Saturdays, Sundays and on City-designated holidays, but only for the duration of the event or store hours, and in no case for more than 24 hours at one time, provided the portable signs comply with the following standards:

(i) Portable signs must not obstruct the free flow of vehicular or pedestrian traffic;

(ii) Portable signs must not restrict visibility around corners or at intersections;

(iii) Portable signs must not be placed in the median;

(iv) Portable signs must not be illuminated;

(v) Maximum area of sign is four (4) square feet per sign;

(b) Temporary Non-commercial signs. Except as may otherwise be authorized or required pursuant to a temporary use permit pursuant to Chapter 13.06, temporary non-commercial signs are allowed in the public right-of-way without a sign permit subject to the following standards:

(i) Timing. No temporary non-commercial sign may remain in the public right of way for more than 45 days in any calendar year and must be removed no later than ten calendar days following the date of any event relating to the sign.

(ii) Size. A temporary non-commercial sign shall not exceed 32 square feet in total area of sign for one side; double-faced signs shall not exceed 32 square feet per side. No signs shall be placed in a manner that would obstruct visibility of or impede pedestrian, cyclist or vehicular traffic, or endanger the health, safety or welfare of the community,

(iii) Design:

a. Temporary non-commercial signs must not be illuminated unless said sign is erected on an authorized structure already providing illumination,

b. Temporary Signs must not exceed an overall height of six feet from finished grade immediately around the sign.

c. Temporary signs must not be placed in the median.

(iv) Temporary non-commercial signs must not be posted in violation of any provisions of this chapter.

(v) Sign Movers. Persons moving signs are allowed in the right-of-way (except the median) as long as their activities do not impede pedestrian traffic, distract drivers, or create visibility problems for pedestrians, cyclists or vehicles.

(vi) City Facilities. The City may place signage in the right-of-way for civic events or for events with the City's community partners.

2. Outside Public Right-of-Way

(a) Portable signs. Portable commercial and non-commercial signs may be placed on individual properties on Fridays, Saturdays, Sundays and on City-

designated holidays without a sign permit for no more than 24 hours at one time, provided the portable signs comply with the following standards:

(i) Portable signs must not obstruct the free flow of vehicular or pedestrian traffic;

(ii) Portable signs must not restrict visibility around corners or at intersections;

(iii) Portable signs must not be illuminated;

(iv) Maximum area of sign is four (4) square feet per sign;

(v) In addition to any other sign authorized under this title, each parcel may have either a non-commercial portable sign or a non-commercial temporary sign.

(b) Temporary signs. Except as may otherwise be authorized or required pursuant to this Chapter or to a temporary use permit pursuant to Chapter 13.06, temporary non-commercial signs are allowed outside the public right-of-way without a sign permit subject to the following standards:

(i) Temporary non-commercial signs.

a. One temporary non-commercial sign per parcel outside the public right of way, provided that the temporary non-commercial sign complies with the requirements in this subdivision.

b. Temporary non-commercial signs must not obstruct the free flow of vehicular or pedestrian traffic;

c. Temporary non-commercial signs must not restrict visibility around corners or at intersections;

d. Temporary non-commercial signs must not be illuminated;

e. Temporary non-commercial signs must not exceed six (6) feet in height above the finished grade immediately around the sign;

f. Temporary non-commercial signs with an area of sign up to four (4) square feet may be in place indefinitely;

g. Temporary non-commercial signs with an area of sign larger than four (4) square feet and up to thirty-two (32) square feet must be in place for no more than forty-five (45) days per calendar year;

h. The limitations of this Subsection shall not apply to seasonal decorations.

(ii) Temporary commercial signs.

a. A sign permit pursuant to Section 13.32.030 is required prior to establishing a temporary commercial sign on any property in a commercial or industrial zone. The application for a temporary commercial sign permit must be signed by the property owner in addition to the applicant, if the applicant is not the owner.

b. Temporary commercial signs allowed pursuant to this Subsection are limited to a maximum of 30 consecutive days and a total of ninety days per calendar year per business. The permitted time period shall be indicated on the temporary sign permit application and shall be calculated from the date the signage is displayed or date(s) indicated on the application, whichever occurs first. The dates identified on the permit application shall be utilized to determine compliance with the ninety-day limit. Failure of the applicant to display the sign on the dates indicated in the application shall not extend the ninety-day limit unless the applicant obtains approval of the amended dates prior to the display date.

c. Each permit for temporary commercial signs authorizes a maximum area of sign of forty (40) square feet of sign area. This sign area may be used on a banner attached to the building, or on a banner attached to the building and either a portable sign or free-standing feather / flag sign, as long as the total sign area does not exceed 40 square-feet.

d. The number and location of the temporary commercial signs allowed pursuant to this Subsection must not impede the flow of pedestrian or vehicular traffic or create a traffic hazard because of the distractive character to motorists of any sign or device or the cumulative effect of all signs on the premises. In addition, these signs and attention-getting devices shall not unreasonably obscure existing signs and shall not be in a condition of disrepair. Disrepair shall include torn, faded or sagging banners.

e. On vacant, developing commercial and industrial properties, no permit is required for one (1) unlit, wall or freestanding, temporary commercial sign no more than six (6) feet in height above the finished grade immediately around the sign, with a maximum area of sign of sixteen (16) square feet.

f. The limitations of this Subsection shall not apply to seasonal decorations. (Ord. 369 § 8, 1998; Ord. 305 § 2, 1993; Ord. 272, 1991; Ord. 200 § 1, 1988; Ord. 195 § 2, 1987)

13.32.070 Nonconforming signs.

A. Intent of Provisions. It is the intent of this section to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this chapter is as important as the prohibition of new signs that would violate these provisions.

B. General Requirements.

1. A nonconforming sign may not be:

(a) Changed to another nonconforming sign except for a change of copy by the same owner,

(b) Structurally altered to extend its useful life,

(c) Expanded, animated, moved or relocated,

(d) Reestablished after a business has been discontinued for a continuous period of 180 days or more,

(e) Reestablished after damage or destruction of more than 50% of the sign value as determined by the Director;

2. A new sign meeting the provisions of this chapter may be approved for site, center, structure, building or use that contains nonconforming signs;

3. Any permanent sign which was properly erected pursuant to regulations in existence at the time of its erection or placement, and with a valid sign and/or building permit, but which does not meet the requirements of this chapter, shall be allowed to remain in existence, notwithstanding their nonconforming character, for the useful life of the sign, subject to the provisions of Subsection B of this section. Such signs may be required to be brought into conformance in conjunction with any conditional use permit or development review permit that is hereafter granted on the same site.

C. Historical Signs. Signs that have historical significance to the community but do not conform to the provisions of this chapter may be issued a permit to remain provided that the City Council makes the following findings:

1. The sign has historical significance for the community;

2. The sign does not create or cause a traffic hazard;

3. The sign does not create a visual nuisance to the character of the community;

4. The sign is properly maintained and structurally sound;

5. The sign does not adversely affect adjacent properties. (Ord. 507 § 1, 2011; Ord. 195 § 2, 1987)

13.32.080 Enforcement and penalties.

This chapter may be enforced pursuant to the enforcement provisions in Title 1. (Ord. 195 § 2, 1987)

EXHIBIT 18

CHAPTER 13.34 WIRELESS TELECOMMUNICATIONS FACILITIES

13.34.010 Purpose and general plan consistency.

A. The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development, siting and installation of wireless telecommunication facilities and antennas. The regulations contained herein are designed to protect and promote the public health, safety and community welfare and the aesthetic quality of the City as set forth within the goals, objectives and policies of the general plan, while at the same time providing for managed development of wireless telecommunications infrastructure in accordance with the guidelines and intent of the Telecommunications Act of 1996.

B. Objectives. Recognizing the City's roles as regulator, service provider, facilitator and user, it is intended that the City shall apply these regulations in furtherance of the following goals and policy objectives, including, but not limited to:

1. To retain control of private and public property within the confines of state and federal legislation to regulate wireless telecommunications facilities;

2. To facilitate the creation of an advanced wireless telecommunications infrastructure for citizens, businesses, industries and schools;

3. To protect the City from potential adverse effects of wireless telecommunications facility development; and

4. Ensure that the wireless telecommunications infrastructure is designed to enhance and not interfere with the City's emergency response network. (Ord. 401 § 9, 2001)

13.34.015 Definitions

For purposes of this chapter, the following words, terms, phrases and their derivations have the meanings given in this section. The word "shall" is always mandatory and not merely directory.

"Antenna" means a device for transmitting and receiving radiofrequency (RF) signals.

"Base Station" means collectively all of the equipment and apparatus, excluding antennas, serving as components of an existing wireless telecommunications communications facility, including any antenna support structure.

"Co-location" or "co-located" means the location of multiple antennas which are either owned or operated by more than one (1) service provider at a single location and mounted to a common support structure.

"Eligible Facility" means an existing wireless tower or base station to be modified by (a) the installation of new transmission equipment, including co-locations; (b) removal of transmission

equipment; or (c) replacement of transmission equipment, without a substantial change to the physical dimensions or replacement of the underlying structure.

“Equipment” means any apparatus serving as a component of a wireless communication facility including but not limited to a base station, cables/wires, air conditioning units, mounting brackets, equipment cabinets, generators, battery or other power supplies, pedestals, and meters, but excluding antennas and antenna support structures.

"FCC" means the Federal Communications Commission of the United States.

“Tower” includes any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

“Wireless Telecommunication Facility,” “Wireless Facility” or “Facility” means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information, including but not limited to, cellular telephone service, personal communication service, and paging service. A wireless telecommunication facility can consist of one or more antennas with associated equipment.

13.34.020 Minimum application requirements.

In addition to meeting standard application submittal requirements for discretionary permits, detailed in other chapters in this title, all wireless telecommunications facility carriers or providers shall provide the information listed below. The Director may waive certain submittal requirements based on specific project factors. This Section does not apply to wireless telecommunications facilities requiring an antenna permit as set forth in Section 13.34.085.

A. Visual Impact Demonstration. A visual impact analysis shall be provided showing the maximum silhouette and proposed or required screening. The visual impact analysis shall photo simulations and any required photo overlays, scaled models or architectural renderings necessary to determine visual impact. A map depicting where the photos were taken shall be included.

B. Narrative.

1. Antennas. List the number of proposed antennas and base transceiver stations and/or equipment cabinets and any existing facilities on the site.

2. Location. Describe the location and type of antenna installations (stand-alone rooftop, rooftop attached to a mechanical penthouse, or building facade) and location of the base transceiver station(s), equipment cabinets and/or buildings.

3. Height. List the height of the antenna installation. Carriers must provide documentation that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site.

4. Radio frequency. List the radio frequency range in megahertz and list the wattage output of the equipment.

5. Radio frequency emissions—a report listing the effective radiated power generated by the proposed facility, shall be submitted to the Director. The report shall identify exposure levels for both controlled and uncontrolled areas where the levels are projected to be highest.

6. FCC compliance. Provide documentation certifying all applicable licenses or other approvals required by the Federal Communications Commission to provide the services proposed, have been obtained.

7. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas and backup equipment.

8. Noise/acoustical information. Provide noise and acoustical information for equipment such as air conditioning units and back-up generators.

9. Site selection process. Provide a map and narrative description explaining the site selection process including information about other sites considered and reason for their rejection.

10. Geographic service area. Identify the geographic service area for the subject installation, including a map showing the site and the associated "next" cell sites within the network. Describe the distance between cell sites. Describe how this service area fits into and is necessary for the company's service network. Illustrate the geographic area in which the facility could be located showing all other sites that could be used for antenna location.

11. Preferred location sites. Each application shall identify the location preference, listed in Section 13.34.040, that the proposed facility is meeting. If the proposed location is not a preferred location, the applicant shall provide a list (by address and assessor's parcel number) and a map at a one to 200 scale of all preferred location sites within the service area; what good faith efforts and measures were taken to secure each other of these preferred location sites; describe why each such site was not technologically, legally or economically feasible and why such efforts were unsuccessful; how and why the proposed site is essential to meet service demands for the geographic service area and the Citywide network.

12. Preferred mounting technique. Each applicant shall identify the antenna mounting preference, listed in Section 13.34.050, the proposed facility is meeting. If the proposed mounting technique is not a preferred technique, the applicant shall provide a list (by address and assessor's parcel number) and a map at a one to 200 scale of all such buildings/sites within the service area; what good faith efforts and measures were taken to secure each of these preferred mounting location/sites; describe why each such site was not technologically, legally or economically feasible and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area and the Citywide network.

13. Cumulative effects. Identify the location of all the applicant's antennas and backup facilities and location of other wireless telecommunications facilities on and near the property; include the following:

(a) Height. The height of all existing and proposed wireless telecommunications facilities on the property, shown in relation to the height limit for the zoning district;

(b) Antennas. The dimension of each existing and proposed antenna, base transceiver station, equipment cabinet and associated building and backup equipment on the property;

(c) Power rating. The power rating for all existing and proposed backup equipment;

(d) Total watts. The total number of watts per installation and the total number of watts for all installations on the building (roof or side);

(e) Facilities within 100 feet. The number and types of wireless telecommunications within 100 feet of the proposed site and provide estimates of the cumulative electromagnetic radiation emissions at the proposed site.

C. Co-location agreement. All wireless telecommunications carriers shall provide a letter stating their willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable. When determined to be technically feasible and appropriate, the Director may require unutilized space to be made available for co-location of other wireless telecommunications facilities, including space for entities providing similar, competing services. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it becomes necessary for the host to go off-line for a significant period of time.

D. The applicant shall provide a list of planned or anticipated facilities within the City, and their anticipated construction schedules. The Director may require concurrent processing of planned facilities.

E. At the discretion of the Director the applicant may be required to provide an authorization waiver to permit the City to hire an independent, qualified consultant to evaluate any technical aspect of the proposed wireless telecommunications facility, including, but not limited to, compliance with applicable federal emission standards, potential for interference with existing or planned public safety emergency response wireless telecommunications facilities, or analysis of feasibility of alternate sites, screening methods or devices. Any authorization for this purpose shall include an agreement by the applicant to reimburse the City for all reasonable costs associated with the consultation. Any proprietary information disclosed to the City or the consultant is hereby deemed not be a public record, shall remain confidential, and not be disclosed to any third party without the express consent of the applicant.

F. Any other relevant information as required by the Director. (Ord. 401 § 9, 2001)

G. 13.34.030 General Requirements.

H. The following general requirements apply at all times to all wireless telecommunications facilities located in all zoning districts:

I. Each facility must comply with any and all applicable provisions of the Santee Municipal Code, including but not limited to provisions of the Uniform Building Code, National Electric Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, and any conditions of approval imposed as part of the approval process.

J. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including, but not limited to, the Federal Communications Commission and the Federal Aviation Administration.

K. The facility must at all times comply with all applicable health requirements and standards pertaining to RFR emissions.

L. Interference with city communications systems is prohibited. All proposed facility applications shall include reports, as required by the Fire Department, to evaluate potential interference. The applicant shall be responsible for any costs incurred by the City, including the costs of retaining consultants, to review and analyze the reports. (Ord. 401 § 9, 2001)

13.34.030 General requirements.

The following general requirements apply at all times to all wireless telecommunications facilities located in all zoning districts:

A. Each facility must comply with any and all applicable provisions of the Santee Municipal Code, including but not limited to provisions of the Building Code, as amended by the City, and any conditions of approval imposed as part of the approval process.

B. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including, but not limited to, the Federal Communications Commission and the Federal Aviation Administration.

C. The facility must at all times comply with all applicable health requirements and standards pertaining to RFR emissions.

D. Interference with city communications systems is prohibited. All proposed facility applications shall include reports, as required by the Fire Department, to evaluate potential interference. The applicant shall be responsible for any costs incurred by the city, including the costs of retaining consultants, to review and analyze the reports.

E. Without limitation, the provisions of this chapter do not permit placement of wireless telecommunications facilities in the public right-of-way without an encroachment permit authorizing such placement issued by the City, or permit placement of wireless telecommunications facilities on private property without the permission of the property owner. (Ord. 401 § 9, 2001)

13.34.040 Location.

Location preference for wireless telecommunications facilities should be given to:

A. Co-location Sites. Co-located and multiple-user wireless telecommunications facilities may be required when, in the determination of the Director, it is technically feasible and appropriate and will minimize overall visual impact to the community.

B. Property Designated industrial or commercial, unless otherwise prohibited pursuant to this chapter.

C. Facilities Attached or Sited Adjacent to Existing Structures. Appropriate types of existing structures may include, but are not limited to: buildings, water tanks, telephone and utility poles, sign standards, traffic signals, light standards and roadway overpasses.

D. Sites that are not Highly Visible from Adjacent Roadways.

E. Unless otherwise indicated in this chapter, no wireless telecommunications facility shall be installed on an exposed ridgeline or on property located within the Hillside Overlay District or along a scenic road or scenic corridor as designated in the Santee General Plan unless the facility blends with the surrounding existing natural and man-made environment to the maximum extent possible and a finding is made that no other location is technically feasible. (Ord. 401 § 9, 2001)

13.34.050 Preferred antenna siting and mounting techniques.

The following antenna and equipment siting and mounting techniques are preferred:

A. Facade mounted antennas that meet the visual requirements specified in this chapter;

B. Roof mounted antennas that are not visible to the public, and;

C. Monopoles or freestanding towers that utilize stealthing techniques. (Ord. 401 § 9, 2001)

13.34.060 Design requirements.

In addition to all other requirements set forth in this chapter, all wireless telecommunications facilities shall meet the following design requirements:

A. All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, and camouflage and to be compatible with existing architectural elements, building materials and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the coverage objectives.

B. Colors and materials for facilities shall be non-reflective and chosen to minimize visibility. Facilities, including support equipment and buildings, shall be painted or textured using colors to match or blend with the primary background.

C. Wireless support structures and base stations shall be illuminated as required by the FCC and/or the Federal Aviation Administration (FAA). If allowed under FAA and other governmental regulations, alternatives to strobe lighting shall be used at night and lighting shall be shielded to ensure that lighting is focused toward the top of the wireless support structure or base station. Lightning arresters and beacon lights shall not be included in the design of facilities unless required by the FAA and shall be included when calculating the height of facilities such as lattice towers and monopoles.

D. Facade-mounted equipment shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. Antennas must be located entirely within an existing or newly created architectural feature so as to be completely screened from view.

E. Satellite dish or parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

F. Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, whether or not utilized for screening.

G. All monopoles and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation. Freestanding monopoles shall incorporate stealth techniques to minimize their prominence.

H. Roof mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back from the edge of the building or otherwise screened with the building parapet to minimize their visibility.

I. Support equipment pads, cabinets, shelters and buildings require architectural, landscape, color, or other camouflage treatment to minimize visual impact. Equipment shelters and buildings shall not be used for the storage of any excess equipment or hazardous waste (e.g., discarded batteries). No outdoor storage yards shall be allowed in an equipment compound. Equipment compounds shall not be used as habitable space.

J. No freestanding facility such as a monopole, lattice tower, or similar structure including ancillary support equipment may be located between the face of a building and a public street, bikeway or park.

K. The city shall retain the authority to limit the number of antennas with related equipment and providers to be located at any site and adjacent sites in order to prevent negative visual impact associated with multiple facilities.

L. Freestanding facilities, including towers, lattice towers, and monopoles, shall not exceed the maximum height of the base district by more than fifteen feet. The height of a freestanding facility shall be measured from the natural undisturbed ground surface below the center of the base of the tower itself to the tip of the highest antenna or piece of equipment attached thereto. In the case of roof-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted.

M. No telecommunications facility that is readily visible from off-site shall be installed on a site that is not already developed with a telecommunications facility unless a finding is made, based on technical evidence acceptable to the Director, as appropriate, showing a clear need for this facility that no technically feasible alternative site exists. (Ord. 401 § 9, 2001)

13.34.070 Exempt wireless telecommunications facilities.

A. Installation of the following antennas and/or appurtenant equipment which complies with all applicable health requirements and standards pertaining to RF emissions is exempt from the provisions of this chapter subject to the conditions below:

1. Antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, residential fixed wireless telecommunications, multi-channel multi-point distribution providers (MMD) or television broadcast stations in all zoning districts are exempted, provided that all of the following conditions are met:

    (a) The antenna is accessory to an existing use and measures thirty-nine inches (one meter) or less in diameter, and

    (b) To the extent feasible, the antenna is installed in a location where it is not readily visible from the public right-of-way.

2. Ground mounted satellite receive-only parabolic antennas or dishes greater than thirty-nine inches and up to twelve feet in diameter and fifteen feet in height in residential, commercial, office, industrial, resort recreation and open space zones are exempted if the following conditions are met:

    (a) The antenna is for the sole use of the project site tenants,

    (b) The antenna is located only within the rear or interior side yard area of the property,

    (c) The antenna shall not be located within a required setback area, driveway or parking space,

    (d) A maximum of one antenna per residential lot is permitted. In commercial, office, industrial, resort recreation or open space zones, no more than one antenna per lot is permitted unless there is more than one use on a lot which cannot feasibly be served by a single antennae.

    (e) In residential, resort recreation or open space zones, the antenna shall be screened from adjacent properties and public view on all sides to the satisfaction of the Director,

    (f) In commercial, office, or industrial zones, the antenna should be screened by on-site structures and the antenna's location to minimize the antenna's visibility from the public right-of way,

(g) Screening materials may include walls, fences, other material substantially compatible with the principal on-site buildings, trees, shrubs, earthen berms or depressions or a combination of the above. The color of the antenna shall blend with its background or the surrounding area.

3. Roof mounted satellite receive-only parabolic antennas or dishes greater than thirty-nine inches and up to twelve feet in diameter on properties zoned commercial, office, or industrial are exempted if the following conditions are met:

(a) The antenna is for the sole use of the project site tenants, and

(b) The antenna should be screened by on-site structures and the antenna's location to minimize the antenna's visibility from the public right-of-way.

4. Amateur radio antenna (including ham and short wave) provided the antenna does not exceed the maximum building height for the zoning district in which it is located by more than fifteen feet.

5. Wireless telecommunications facilities exempt from the provisions of this chapter by operation of state or federal law.

6. Wireless telecommunications facilities located within the public right-of-way, except as otherwise expressly regulated in this chapter.

B. The determination of whether or not a proposed facility meets the requirements for exemption is at the discretion of the Director. the Director may require that the application be processed as a minor development review permit or conditional use permit if the requirements of this section cannot be met unless the application is an eligible facilities request subject to Section 13.34.085. (Ord. 401 § 9, 2001)

13.34.080 Development review permit required.

A. The following types of telecommunications facilities are allowed, subject to the applicable provisions of this chapter and approval of a development review permit by the Director:

1. Residential zoning districts, resort recreation and open space zoning districts;

(a) Facade-mounted antennas located on nonresidential properties, which are architecturally integrated into an existing structure and not readily visible,

(b) Roof-mounted antennas located on nonresidential properties, which are architecturally integrated into an existing structure and not readily visible,

(c) Roof-mounted satellite receive-only parabolic antennas or dishes more than 39 inches and up to 12 feet in diameter, which are not readily visible.

2. Commercial, office and industrial zoning districts;

(a) Facade-mounted antennas on nonresidential properties, which are architecturally integrated into an existing structure and not readily visible,

(b) Roof-mounted antennas on nonresidential properties, which are architecturally integrated into an existing structure and not readily visible,

(c) Ground-mounted antennas on nonresidential properties and mounted on a mast which does not exceed fifteen feet in height and six inches in diameter and are not readily visible.

B. The determination of whether or not a proposed facility meets the requirements for a development review permit are at the discretion of the Director. The Director may require that the application be processed as conditional use permit if the requirements of this section cannot be met. (Ord. 401 § 9, 2001)

13.34.085 Antenna permit required.

A. The following types of telecommunications facilities are allowed, subject to the applicable provisions of this chapter and approval of an antenna permit by the director:

1. An "Eligible Facility" removal, modification or co-location as defined in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a) as implemented in 47 C.F.R. 1.610 as they may be amended.

B. Applications for an antenna permit shall include the following information:

1. A statement clearly indicating that the application is subject to this Section 13.34.085 and not any other portion of this chapter.

2. All information required by Section 13.34.020(A), (B) and (E).

3. An explanation with supporting documentation, including physical depictions of the current wireless telecommunications facility and the wireless telecommunications facility after installation of the Eligible Facility, that justifies why the proposed placement constitutes an eligible facilities request.

The Director may develop a standard application form for applications subject to this Section. In such event, applicants shall utilize the application form.

C. Upon receipt of an application for approval of an eligible facilities request, the Director or his/her designee shall review such application to determine whether the application qualifies as an eligible facilities request under state and/or federal law and is complete, and shall promptly notify applicant if the application is incomplete or is not an eligible facilities request. An application is incomplete if it omits or withholds any required information, or fails to provide information in sufficient detail to determine whether the application is for an eligible facilities request, or to determine whether the work will be performed in accordance with, and will result in a wireless telecommunications facility that complies with applicable safety codes.

D. If the application is an eligible facilities request and the application is complete, the Director shall approve the application subject to this section. This section shall be operative, and any permit issued pursuant to this section shall remain in effect only so long as federal law, 47 U.S.C. § 1455, and implementing Federal Communications Commission regulations, 47 C.F.R. §1.610 regulations, require approval of an eligible facilities request as defined herein. By approval, the city solely intends to comply with a requirement of federal law or state law not to grant any property rights or interests except as compelled by federal or state law.

E. If the application does not satisfy requirements for an eligible facilities request, or the application would otherwise result in a wireless telecommunications facility that does not comply with applicable federal, state or local laws, the application shall be denied.

F. If the applicant fails to respond to any City request for information or similar correspondence for more than 45 days, then the application shall expire. No application or permit fees will be refunded and should the applicant seek to pursue the proposed installation a new application and applicable fee shall be required.

G. The Director may except particular applications from approval, or may condition approval, as appropriate, consistent with federal and state law and the requirements of this chapter. Without limitation, approval does not exempt applicant from, or prevent city from, opposing a proposed modification that is subject to compliance under the National Historic Preservation Act of the National Environmental Policy Act.

13.34.090 Conditional use permit required.

In all zoning districts, a conditional use permit shall be required for any wireless telecommunications facility not otherwise specifically enumerated or defined in this chapter. (Ord. 401 § 9, 2001)

13.34.100 Indemnity and liability for damages.

A. The wireless telecommunications facility provider shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees (1) from any claim, action or proceeding against the City, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statues, and (2) from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or the land owner or any of each one's agents, employees, licensees, contractors, subcontractors, or independent contractors, pursuant to the approval issued by the city, when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

B. Wireless telecommunications facility operators shall be strictly liable for interference caused by their facilities with city communications systems. The operator shall be responsible for costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing cavities, installing directional antennas,

powering down systems, and engineering analysis), and all costs arising from third party claims against the City attributable to the interference. (Ord. 401 § 9, 2001)

13.34.110 Cessation of use or abandonment.

All improvements, including foundations and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation condition within 180 days of cessation of operation or abandonment of the facility. A wireless telecommunications facility shall be considered abandoned if it fails to be utilized for its intended and permitted purpose for a period of one hundred and eighty days (180), except in the event of damage to the structure and with notice of such damage to the director. Should a permittee fail to remove all improvements within 30 (30) days of abandonment, cessation of operation or notice from the City, then the City may remove the facility at the sole cost of the permittee. If the permittee fails to pay the City its costs incurred, the City shall be entitled to act on the bond required in this Chapter for reimbursement. (Ord. 401 § 9, 2001)

13.34.120 Radio frequency emission exposure.

A. No wireless telecommunications facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the City, county, the State of California or the federal government.

B. Failure to remain in continued compliance with the MPE limits shall be grounds for revocation of the applicable City permit. (Ord. 401 § 9, 2001)

13.34.130 Permit, review, renewal and revocation procedure.

A. At any time, the Director may initiate proceedings to revoke a permit issued pursuant to this chapter. Grounds for revocation shall be limited to a finding that the owner or operator has abandoned the facility, the facility is no longer in compliance with either the general requirements or design standards of this chapter and the owner or operator has failed to bring the facility into compliance within one hundred eighty (180) days after a notice has been sent by the Director requiring the facility to be brought into compliance, the facility is no longer in compliance with applicable FCC or FAA regulations, the use is no. longer permitted in the zoning district in which it is located, the facility has not been upgraded to reduce or minimize its impact to the extent reasonably permitted by the technology available at the time of renewal, or if the Director determines that revocation would be in the best interest of the public health, safety, or welfare. Upon making a determination that the permit should be revoked, the Director may, at his or her discretion, initiate revocation proceedings pursuant to Section 13.06.030(G).

B. All permits approved pursuant to this Chapter shall expire after ten (10) years. (Ord. 401 § 9, 2001)

13.34.140 State or Federal Preemption.

Notwithstanding any other provision of this chapter to the contrary, the city may grant an exception to any of the requirements of this chapter, if the city makes a finding that the applicant has demonstrated that the refusal of the city to allow such a use would prohibit or have the effect of prohibiting the provision of personal wireless services within the meaning of 47 USC § 332(c)(7), or otherwise is preempted or prohibited by state or federal law.

13.34.150 Non-conforming uses.

Notwithstanding any other provision of this title, including Section 13.04.110, the following additions, modifications or changes shall be permitted at a wireless telecommunications facility that qualifies as a legal non-conforming use:

A. Ordinary maintenance.

B. A co-location or modification that constitutes an eligible facilities request.

Any of the above changes shall be subject to all applicable provisions of this chapter, including the receipt of an antenna permit as necessary.

EXHIBIT 19

CHAPTER 13.36 LANDSCAPE AND IRRIGATION REGULATIONS

13.36.010 Purpose and general plan consistency.

A. The City of Santee has found:

1. That the City of Santee is required by California Assembly Bill 1881 to adopt a water efficient landscape ordinance that is at least as effective at conserving water as the California Model Water Efficient Landscape Ordinance;

2. That some areas of the City of Santee have an established recycled water infrastructure;

3. That water purveyors with service areas within the City of Santee with water budget-based allocations and tiered rate structures allow the City of Santee to document water use in landscapes;

4. That current local design practices in new landscapes typically already achieve the State Model Water Efficient Landscape Ordinance water use goals in many cases;

5. That most city services are metered and all new construction will be metered where service is available from local water purveyors;

6. That landscape plan submittal and review has been a long standing practice in the City of Santee;

7. That the local water purveyors are implementing tiered-rate billing, water budgeting, public education programs, and enforcement of water waste prohibitions for all existing and new metered landscape areas throughout their service areas, which include the majority of the City of Santee;

8. Implementation of tiered rate structures by the local water purveyors have resulted in a reduction in water use that exceeds the target reduction established by the San Diego County Water Authority;

9. That those areas of the City of Santee that are not located within the service areas of the local water purveyors obtain water service through existing groundwater supplies;

10. Over irrigating landscaping can potentially wash pollutants into the storm drain system. By contrast appropriately designed and managed landscaping can be used to treat and/or infiltrate stormwater before it is discharged to the storm drain system;

11. That this ordinance is consistent with the policies established by the land use element of the general plan in that it encourages the use of recycled water and is an update of the landscape design standards for future development;

12. That this ordinance is consistent with the policies established by the conservation element of the general plan in that it encourages the use of drought-resistant vegetation and recycled water for irrigation for private development as well as public projects and facilities;

13. That this ordinance is at least as effective at conserving water as the State Model Water Efficient Landscape Ordinance because:

    (a) This ordinance is applicable to all landscapes identified in the applicability section of the State Model Ordinance;

    (b) This ordinance requires the most efficient and appropriate irrigation equipment and the irrigation design plan encourages the use of improved technology;

    (c) This ordinance requires that irrigation scheduling shall be based on reliable reference evapotranspiration (ETo) data or soil moisture sensors;

    (d) This ordinance establishes a maximum applied water allowance (MAWA) based on an evapotranspiration adjustment factor (ETAF) of 0.55 for residential landscapes, 0.45 for non-residential landscapes, and 1.0 for new and existing (non-rehabilitated) Special Landscape Areas;

    (e) This ordinance prohibits overspray and requires that new landscape areas be designed to retain storm runoff, including from impervious surfaces such as roofs and paved surfaces, and allow rainfall to permeate through soil;

    (f) This ordinance includes audit and maintenance provisions that meet the minimum requirements of the State Model Ordinance;

    (g) This ordinance requires a landscape documentation package that complies with State Model Ordinance requirements and as part of this package plants are grouped into hydrozones;

    (h) This ordinance requires the use of recycled water where it is available;

    (i) This ordinance requires a minimum of three inches of mulch in all landscape areas except for those which contain turf or creeping or rooting groundcovers as specified in the State Model Ordinance;

    (j) This ordinance requires that the soil be assessed and amended if necessary prior to planting;

    (k) This ordinance incorporates mechanisms such as a tiered rate structure by local water purveyors, penalties for water waste, and allows irrigation surveys and audits, and water use analyses to ensure compliance with requirements of this ordinance;

(l) Landscape guidelines have been drafted to provide further information for project applicants in the implementation of the ordinance.

B. The state legislature has found:

1. That the waters of the state of California are of limited supply and are subject to ever increasing demands;

2. That continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;

3. That it is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

4. That landscapes are essential to the quality of life in the City of Santee by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;

5. That landscape design, installation, maintenance and management can and should be water efficient;

6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

C. Consistent with these findings, the purpose of the City of Santee Water Efficient Landscape Ordinance is to establish an alternative ordinance at least as effective as the State Model Ordinance in the context of conditions in the City of Santee, in order to:

1. Promote the values and benefits of landscaping practices that integrate stormwater runoff retention and go beyond the conservation and efficient use of water;

2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;

3. Establish provisions for water management practices and water waste prevention for existing landscapes;

4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;

5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

6. Encourage the use of economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure.

D. Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the Ordinance, conditions in the urban setting will be improved by:

1. Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits.

2. Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.

3. Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.

4. Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion.

5. Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.020 Applicability.

A. This ordinance shall apply to all of the following landscape projects:

1. New development projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;

2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

3. Existing landscapes limited to Section 13.36.050 of this chapter;

4. Cemeteries. Recognizing the special landscape management needs of cemeteries, the applicability of this chapter to new and rehabilitated cemeteries is limited to Section 13.36.040 and the applicability of this chapter to existing cemeteries is limited to Section 13.36.050.

B. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Appendix D of the City of Santee Water Efficient Landscape Guidelines.

C. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2500 sq. ft. of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix D section (5) of the City of Santee Water Efficient Landscape Guidelines.

D. This ordinance does not apply to:

1. Registered local, state or federal historical sites;

2. Ecological restoration projects that do not require a permanent irrigation system;

3. Mined-land reclamation projects that do not require a permanent irrigation system; or

4. Existing plant collections, as part of botanical gardens and arboretums open to the public. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.030 Definitions.

The following are definitions of terms contained in this chapter:

"Applied water" means the portion of water supplied by the irrigation system to the landscape.

"Automatic irrigation controller" means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, training and education, maintenance procedures, and other management practices to prevent or reduce the discharge of pollution to surface and groundwater. BMPs include, without limitation, treatment requirements, operating procedures, and practices to control urban runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Certificate of completion" means the document required under Section 13.36.130.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

"City" means the City of Santee.

"Compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

"Distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

"Establishment period of the plants" means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

"ET adjustment factor" (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0. The ETAF for existing (non-rehabilitated) landscapes is 0.8.

"Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

"Friable" means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

"Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

"Hardscapes" means any durable material (pervious and non-pervious).

"Hydrozone" means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

"Integrated Pest Management (IPM)" means an effective and environmentally sensitive approach to pest management that is focused towards prevention, and natural controls as opposed to pesticides. IPM programs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control

methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.

"Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.

"Irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiencies for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.

"Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

"Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

"Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"Landscape documentation package" means the documents required under Section 13.36.040.

"Landscape guidelines" means the City of Santee landscape guidelines for implementation of the City of Santee Water Efficient Landscape Ordinance.

"Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 13.36.020.

"Local water purveyor" means any entity, including a public agency, city, county or private water company that provides retail water service.

"Maximum applied water allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 3.B of the guidelines for implementation of the City of Santee Water Efficient Landscape Ordinance. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The

estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)].

"Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"New construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

"Non-Residential Landscape" means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

"Permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

"Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

"Plant factor" or "plant water use factor" is a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

"Project applicant" means the individual or entity submitting a landscape documentation package required under Section 3 of the landscape guidelines, to request a permit, plan check, or design review from the City. A project applicant may be the property owner or his or her designee.

"Record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

"Recreational area" means areas, excluding private single family residential areas, designated for active play, recreation or public assembly such as in parks, sports fields, picnic grounds, amphitheaters and or golf courses tees, fairways, roughs, surrounds and greens.

"Recycled water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Appendix A of the landscape guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.

"Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 13.36.020, and the modified landscape area is equal to or greater than 2,500 square feet.

"Residential landscape" means landscapes surrounding single or multifamily homes.

"Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

"Special landscape area" (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

"Valve" means a device used to control the flow of water in the irrigation system.

"Water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially sup-plied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.040 Provisions for new construction or rehabilitated landscapes.

A. The City will collaborate with the water purveyors that provide water to Santee to define each entity's specific responsibilities relating to this ordinance.

B. The landscape documentation package shall be submitted by the project applicant to the City for review and approval with appropriate water use calculations. Water use calculations shall be consistent with calculations contained in the landscape guidelines and shall be provided to the local water purveyors as appropriate, under procedures determined by the City. Submittal requirements for a landscape documentation package include the water efficient landscape worksheet, soil management report, landscape design plan, irrigation design plan, and grading design plan, if applicable. Further information on the landscape documentation package can be found in the landscape guidelines.

C. A certificate of completion package and supporting documentation as specified in the landscape guidelines shall be submitted by the project applicant to the City for review and copy of the approved certificate of completion shall be provided to the local water purveyor. The City shall approve or deny the certificate of completion prior to final inspection and permit closure. If the certificate of completion is denied, the City shall provide information to the project applicant regarding reapplication, appeal, or other assistance. Submittal requirements for the certificate of completion package include the certificate of completion, irrigation schedule, landscape and irrigation maintenance schedule, irrigation survey, and as-built drawings, if applicable. Further information on the certificate of completion package can be found in the landscape guidelines. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.050 Provisions for existing landscapes.

A. The City will collaborate with the water purveyors that provide water to Santee to define each entity's specific responsibilities relating to this ordinance. Water users are advised to consult with water purveyors regarding additional usage regulations that may apply.

B. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis. This Subsection shall apply to all existing landscapes that were installed before December 1, 2015 and are over one acre in size.

1. For all landscapes in this Subsection that have a water meter, the City or the local water purveyor shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: MAWA = (0.8)(ETo)(LA) (0.62). The local water purveyor may require a lower ETAF for calculating the MAWA of existing landscapes. The stricter of the two ETAF requirements shall be used in the MAWA calculation.

2. For all landscapes in this Subsection that do not have a meter, the City or the local water purveyor shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

C. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.060 Recycled water.

A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.

B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.

C. Landscapes using recycled water are considered Special Landscape Areas. The ET adjustment factor for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.070 Stormwater management and rainwater retention.

A. Stormwater management practices, as described in Chapter 9.06, minimize runoff and increase infiltration which recharges groundwater and improves water quality. Stormwater best management practices shall be integrated into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration.

B. All landscape and irrigation shall comply with the requirements of the current City of Santee municipal stormwater permit issued by the San Diego Regional Water Quality Control Board.

C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration.

D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: (1) the one inch, 24-hour rain event or (2) the 85th percentile, 24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

E. To the maximum extent practicable, all projects shall promote on-site stormwater and dry weather runoff capture and use through measures including:

1. Implement design concepts recommended in the San Diego County Low Impact Design Manual.

2. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.

3. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.

4. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.

5. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.

6. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.

7. Incorporate infiltration beds, swales, basins and drywells to capture stormwater and dry weather runoff and increase percolation into the soil.

8. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

9. Utilize drip irrigation systems.

F. Appropriate stormwater best management practices (BMPs) shall be used during the installation and testing of landscape and irrigation projects. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.080 Water waste prevention.

A. Water waste resulting from inefficient landscape irrigation runoff shall be prevented. Therefore, runoff is prohibited from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, structures and other non-targeted surfaces. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.090 Penalties.

The City may establish and administer penalties to the project applicant, property owner, or property resident for non-compliance with the ordinance to the extent permitted by law and as stated in Title 1 of the Santee Municipal Code. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.100 Landscape development standards.

A. Residential Landscape Standards. The following site development criteria are intended to provide minimum standards for residential development. These site development standards should be used in conjunction with the landscape design guidelines, which are set forth in the guidelines for implementation of the City of Santee Water Efficient Landscape Ordinance.

1. Front Yard Landscaping. Front yard landscaping for all new single-family and duplex development shall include, at a minimum, one fifteen-gallon size tree, one five-gallon size tree, seeded ground cover, and a permanent irrigation system to be installed by the developer prior to occupancy.

B. Parking Landscape Standards. The following standards shall apply to landscaping for parking areas within the residential, commercial and industrial districts:

1. A minimum of ten percent of the total off-street parking area shall be landscaped with at least one fifteen-gallon minimum size tree with root barrier per each three parking stalls and appropriate ground cover. The parking area shall be computed by adding the areas used for access drives, aisles, stalls, maneuvering, and landscaping within that portion of the premises that is devoted to vehicular parking and circulation.

2. Each unenclosed parking facility shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the facility adjoins a side property line, unless specifically waived by the Director. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required, and shall be continuous, except for required access to the site or to the parking facility.

3. All landscaping shall be continuously maintained free of weeds, debris or litter.

4. Where feasible, infiltration BMPs shall be integrated into the landscape design to reduce the quantity and velocity of stormwater discharging to the MS4 from the parking or loading facility.

C. General Landscape Standards. Unless stated otherwise within this code, the following landscape standards shall be met for all developments:

1. All setbacks, parkways, and non-work areas shall be landscaped.

2. The visibility of decorative water features, including but not limited to, ponds, decorative fountains, basins, reflective pools, and spray/mist fountains should be confined to areas of high visibility and high use. Re-circulating water shall be used for all decorative water features. All such features shall be designed such that they present a positive visual statement when water is not available.

3. Landscape plans which are required pursuant to a development review permit or a conditional use permit shall be required to be prepared and signed by a registered landscape architect unless waived by the Director.

4. All groundcover installed pursuant to an approved landscape plan shall provide 100% coverage within nine months of planting or additional landscaping, to be approved by the Director, shall be required in order to meet this standard.

5. A bond, equal to the cost of full landscape installation, will be required for a minimum of one year for any project requiring a development review permit or conditional use permit, with the exception of projects for single-family homes. The Director may waive this requirement provided special circumstances exist which alleviate the need for a bond.

6. Property owners are responsible for the continual maintenance of all landscaped areas on-site and between the property line and the curb. All landscaped areas shall be kept free from weeds and debris and maintained in a healthy, growing condition, and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased or decaying plant material shall be replaced within 30 days from the date of damage.

7. The Director shall prepare, and revise as required, a landscape design manual to assist residents and property owners in understanding the requirements and objectives of the zoning ordinance landscape standards.

8. A combination of berming, landscape materials, low level walls and buildings, shall be used to screen parking areas, loading areas, trash enclosures, and utilities from public view.

9. Walls may be required in landscape areas where they are necessary to screen sensitive uses from adjacent development or provide sound attenuation. Height, placement and design of walls shall be considered as it relates to the surrounding area.

10. Unless otherwise specified within this code, or by conditional use permit all activities, work and storage of materials shall be entirely within an enclosed building. Normal customer or employee parking and temporary provisions are excepted. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)

13.36.110 Public education.

Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community. (Ord. 534 § 1, 2015; Ord. 491 § 4, 2009)