

# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

Riverside County Administrative Center  
4080 Lemon Street, 1st Floor Board Chambers  
Riverside, California

**Thursday 9:30 A.M., July 11, 2019**

## CHAIR

Steve Manos  
Lake Elsinore

## VICE CHAIR

Russell Betts  
Desert Hot Springs

## COMMISSIONERS

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Riverside

John Lyon  
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## STAFF

Director  
Simon A. Housman

John Guerin  
Paul Rull  
Barbara Santos

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[www.rcaluc.org](http://www.rcaluc.org)

**NOTE:** If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Comments shall be limited to 5 minutes and to matters relevant to the item under consideration. Please do not repeat information already given. If you have no additional information, but wish to be on record, simply give your name and address and state that you agree with the previous speaker(s). Also please be aware that the indicated staff recommendation shown below may differ from that presented to the Commission during the public hearing.

Non-exempt materials related to an item on this agenda submitted to the Airport Land Use Commission or its staff after distribution of the agenda packet are available for public inspection in the Airport Land Use Commission's office located at 4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, CA 92501 during normal business hours.

Live Streaming of the meeting will be available during the meeting on our website at [www.rcaluc.org](http://www.rcaluc.org).

In compliance with the Americans with Disabilities Act, if any accommodations are needed, please contact Barbara Santos at (951) 955-5132 or E-mail at [basantos@rivco.org](mailto:basantos@rivco.org). Request should be made at least 48 hours or as soon as possible prior to the scheduled meeting.

### 1.0 INTRODUCTIONS

#### 1.1 CALL TO ORDER

#### 1.2 SALUTE TO FLAG

#### 1.3 ROLL CALL

### 2.0 PUBLIC HEARING: CONTINUED ITEMS

#### **JACQUELINE COCHRAN REGIONAL AIRPORT**

- 2.1 ZAP1046TH19 – Kohl Ranch Company, LLC "Thermal Beach Club" (Representative: Melissa Perez, Albert A. Webb Associates) – County of Riverside Planning Case Nos. TTM 37269 (Tentative Tract Map) and PP 180037 (Plot Plan). Tentative Tract Map No. 37269 is a proposal to divide 117.8 acres within two existing parcels with a total area of 307.12 acres located southerly of 64<sup>th</sup> Avenue, easterly of Tyler Street, northerly of 66<sup>th</sup> Avenue, and westerly of Polk Street into 210 residential lots that will accommodate 326 dwelling units. All of the lots will have a net area not exceeding 8,712 square feet (0.2 acre). 128 lots will accommodate individual single-family residences. 65 lots will accommodate duplexes (two unit structures). 17 lots will accommodate four-unit structures (four-plexes). Additional lots will accommodate a surf lagoon, village area with clubhouse buildings, reservoir, and drainage areas. Plot Plan No. 180037 is a proposal to establish a surf lagoon with wave making capabilities on 21 acres and to develop a clubhouse village area consisting of four buildings with a combined floor area of 34,400

square feet. Anticipated uses of the clubhouse buildings include a restaurant, kitchen facilities, bar, spa, exercise facilities, swimming pool, deck, retail uses, and administration. The project is proposed under the name "Thermal Beach Club" (Compatibility Zone D of the Jacqueline Cochran Regional Airport Influence Area). Continued from June 13, 2019. Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rivco.org](mailto:jguerin@rivco.org)

Staff Recommendation: CONSISTENT

**3.0 PUBLIC HEARING: NEW ITEMS**

**MARCH AIR RESERVE BASE**

- 3.1 ZAP1368MA19 – Daniel Duenas (Representative: Miguel A. Villasenor, Inland Valley Surveying) – County of Riverside Case No. PM37627 (Tentative Parcel Map). A proposal to divide a 3.62 gross acre property located at 19655 Camino Del Sol, southerly of Cajalco Road and westerly of Seaton Avenue, into two single-family residential lots. (There are already two homes on the property.) (Airport Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area). Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

Staff Recommendation: CONSISTENT

- 3.2 ZAP1370MA19 – Froylan Damas (Representative: YMW Design, Vanessa Roeder) – County of Riverside Case No. PM37625 (Tentative Parcel Map). A proposal to divide a 3.4 gross acre property located on the southwest corner of Hawthorne Avenue and Carroll Street into 3 single family residential lots (Airport Compatibility Zone C2 High Terrain Zone of the March Air Reserve Base/Inland Port Airport Influence Area). Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

Staff Recommendation: CONSISTENT

**FRENCH VALLEY AIRPORT**

- 3.3 ZAP1089FV19 – MHS 98, LLC (Representative: VSL Engineering) – City of Murrieta Case Nos. GPA2018-1762 (General Plan Amendment), ZC2018-1763 (Zone Change), DP2018-1761 (Development Plan). A proposal to establish a 234 dwelling unit multi-family residential complex on 8.37 acres located northerly of Rising Hill Drive, westerly of Highway 79 Winchester Road, easterly of Date Street, and southerly of Murrieta Hot Springs Road. The applicant also proposes amending the City's General Plan designation of the site from Commercial to Multi Family Residential and changing the site's zoning from Community Commercial to Multi-Family 3 (Airport Compatibility Zone D of the French Valley Airport Influence Area). Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

Staff Recommendation: CONSISTENT



**BERMUDA DUNES AIRPORT**

- 3.4 ZAP1078BD19 – Smartlink, LLC (Representative: Chris Doheny) – City of Palm Desert Case No. CUP19-0002. A proposal to establish a 65 foot tall “monopalm” wireless communications facility with a 286 square foot equipment shelter area on 0.71 acres located southerly of Country Club Drive, westerly of Washington Street, and northerly and easterly of Harris Lane (Assessor’s Parcel Number 632-070-052) (Airport Compatibility Zone C of the Bermuda Dunes Airport Influence Area). Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

Staff Recommendation: CONSISTENT

**REGIONAL**

- 3.5 ZAP1038RG19 – City of Menifee (Representative: Lisa Gordon) – Comprehensive Development Code Update and New Zoning Map. A proposal by the City of Menifee to adopt a Comprehensive Development Code, consisting of new Zoning, Subdivision, and Grading Ordinances, and a new Zoning Map to bring zoning of properties into consistency with their General Plan designations. (Compatibility Zones D and E of the March Air Reserve Base/Inland Port Airport Influence Area and Compatibility Zone E of the Perris Valley Airport Influence Area). Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rivco.org](mailto:jguerin@rivco.org)

Staff Recommendation: CONSISTENT

- 3.6 ZAP1039RG19 – County of Riverside (Representatives: Robert Flores and Peter Hersh, Riverside County Planning Department) – County of Riverside Planning Case No. CZ 190012 (Ordinance Amendment). A County-initiated proposal to amend Ordinance No. 348 to comply with State law and implement the 2018 Eight Year Action Plan Update included in the Riverside County General Plan’s Housing Element. Certification of the Housing Element by the State of California Housing and Community Development was contingent in part upon adoption of these follow-up ordinance changes. This amendment would: (1) allow up to 12 units or spaces for use by a single family or household, or a group quarters with up to 36 beds, as a “by-right” permitted use on any lot zoned R-R, R-A, A-1, A-2, A-P, A-D, C-V, WC-W, WC-WE, WC-E or WC-R; (2) amend the permitted uses and development standards of the R-7 and MU zones; (3) revise Section 18.18 regarding accessory structures; (4) change references to “second units” to “accessory dwelling units,” amend the development standards for these units to comply with State law, and allow them as a “by-right” use, except in prohibited areas; (5) incorporate provisions and procedures to allow for density bonuses; (6) clarify that supportive and transitional housing is to be allowed on the same basis as any other housing units; (7) define single room occupancy units and allow them with a conditional use permit in the C-1/C-P and MU zones; and (8) add definitions of “accessory dwelling unit,” “employee housing,” “supportive housing,” and “transitional housing.” (Countywide). Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rivco.org](mailto:jguerin@rivco.org)

Staff Recommendation: CONSISTENT

**4.0 ADMINISTRATIVE ITEMS**

4.1 Director's Approvals

4.2 Election of Commission Officers

4.3 Resolution No. 2019-03 (Document Retention Policy)

**5.0 APPROVAL OF MINUTES**

June 13, 2019

**6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

**7.0 COMMISSIONER'S COMMENTS**

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**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 2.1 3-8

**HEARING DATE:** July 11, 2019 (continued from June 13, 2019)

**CASE NUMBER:** ZAP1046TH19 – Kohl Ranch Company, LLC “Thermal Beach Club” (Representative: Melissa Perez, Albert A. Webb Associates)

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** TTM37269 (Tentative Tract Map); PP180037 (Plot Plan)

**MAJOR ISSUES:** The applicant is proposing a 21-acre surf lagoon and a reservoir, both of which would be permanent water bodies within an Airport Influence Area. The site is located 10,000 feet southerly of the runway along the extended runway centerline. An existing lake is located within a tentatively approved tract map that extends into the more northerly of the two Assessor’s parcels included in this application. In order to address the concern of bird attraction, a qualified wildlife hazard biologist has prepared a report addressing potential measures to minimize this potential hazard to flight. *ALUC Director Simon Housman requested that Mead & Hunt review the report. Mead & Hunt’s initial review indicated that the Mitigation/Management Plan prepared by Whitestar should be amended to be consistent with the recommendations in the biologist’s report. The Whitestar report has since been updated to address these recommendations.*

The overall density of the project is less than five dwelling units per acre. However, all of the proposed residential lots are less than 8,712 square feet (0.2 acre) in area. Pursuant to Additional Compatibility Policy 2.2 of the Jacqueline Cochran Regional Airport Land Use Compatibility Plan, projects located southerly of Avenue 64 are substantially consistent... with Zone D if the average residential lot size is 8,712 square feet (0.2 acre) or less, excluding common area, public facility, drainage basin, recreational, and open space lots.

~~As of the writing of this staff report, the applicant has not indicated locations that will be maintained as perpetual open areas to meet the Compatibility Zone D criterion requiring 10 percent open area. The applicant team has provided an open area exhibit. The proposed earthen channels provide 12.5 acres of flat-bottomed open area for emergency landings. These channels will be dry under normal conditions. This is, after all, a desert, with rainfall occurring only rarely (average of nine days per year at the airport).~~

**RECOMMENDATION:** Staff recommends that the Commission open the public hearing, consider public testimony, discuss the proposal, and *find the proposed project CONSISTENT with the 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan, as amended in 2006, subject to the conditions included herein. CONTINUE its consideration of the proposed*

~~Tentative Tract Map and Plot Plan to its July 11, 2019 meeting, in order to allow sufficient time for the Commissioners to review the wildlife hazard site visit and management plan and for the applicant team to provide amended exhibits depicting perpetually maintained open area at least equal to ten percent of the portion of the property in Compatibility Zone D.~~

**PROJECT DESCRIPTION:** Tentative Tract Map No. 37269 is a proposal to divide 117.18 239 acres within two existing parcels with a total area of 307.12 acres into 210 residential lots that will accommodate 326 dwelling units. All of the residential lots will have a net area not exceeding 8,712 square feet (0.2 acre). 128 lots will accommodate individual single-family residences. 65 lots will accommodate duplexes (two unit structures). 17 lots will accommodate four-unit structures (four-plexes). (The applicant envisions maintaining the lots with two-unit and four-unit structures for rental or vacation rental purposes.) Additional lots will accommodate a surf lagoon, village area with clubhouse buildings, reservoir, and drainage areas.

Plot Plan No. 180037 is a proposal to establish a surf lagoon with wave making capabilities on 21 acres and to develop a clubhouse village area consisting of four buildings with a combined gross net floor area of 34,400 42,000 square feet. Anticipated uses of the clubhouse buildings include a restaurant, kitchen facilities, bar, spa, exercise facilities, swimming pool, deck, retail uses, and administration.

The project is proposed under the name “Thermal Beach Club.”

**PROJECT LOCATION:** The project site is located southerly of 64<sup>th</sup> Avenue, easterly of Tyler Street, northerly of 66<sup>th</sup> Avenue, and westerly of Polk Street and Fillmore Street in the unincorporated community of Thermal, approximately two miles southerly of the current southerly terminus of Runway 17-35 at Jacqueline Cochran Regional Airport.

**LAND USE PLAN:** 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan (last amended in 2006)

- a. Airport Influence Area: Jacqueline Cochran Regional Airport
- b. Land Use Policy: Airport Compatibility Zones D ~~and E~~
- c. Noise Levels: Outside the 55 CNEL contour

**BACKGROUND:**

Residential Density: The project is ~~primarily~~ located in Compatibility Zone D of the Jacqueline Cochran Regional Airport Influence Area. The overall project density is less than ~~two~~ **three** dwelling units per acre, which would normally be within the prohibited intermediate density range. However, Additional Compatibility Policy 2.2 of the Jacqueline Cochran Regional Airport Land Use Compatibility Plan (“JCRALUCP”) specifies that:

“Projects located southerly of Avenue 64 shall be considered to be substantially consistent with the “higher intensity option” for Zone D if the average residential lot size (either the mean or median) is



8,712 square feet (0.2 acre) or less, excluding common area, public facility, drainage basin, recreational, and open space lots.”

All of the residential lots are 8,712 square feet or less in net area; therefore, the proposed residential project is consistent with the density criteria of the JCRALUCP.

Non-Residential Average Land Use Intensity: Pursuant to the Jacqueline Cochran Regional Airport Land Use Compatibility Plan (“JCRALUCP”), the site is located within Compatibility Zone D. The proposed plot plan indicates a total area of 31.55 acres for the surf lagoon and the “village.” The JCRALUCP permits 100 persons per acre in Compatibility Zone D. Based on the above numbers, a total intensity occupancy of 3,155 persons is permissible at this site.

Pursuant to Appendix C, Table C-1, of the Riverside County Airport Land Use Compatibility Plan, using a 50 percent reduction for offices and retail uses, the following rates were used to calculate occupancy for the proposed buildings:

- Restaurant – 1 person per 15 square feet (dining area), 1 person per 200 square feet (commercial kitchen)
- Bar – 1 person per 15 square feet
- Pool deck, spa deck – 1 person per 15 square feet
- Swimming pool, exercise room, lockers – 1 person per 50 square feet
- Retail (may include sales of food, but not dining area) – 1 person per 60 square feet (50 percent reduction from Building Code maximum)
- Spa – 1 person per 100 square feet
- Offices/Administrative – 1 person per 200 square feet (50 percent reduction from Building Code maximum)

The project proposes a total of 34,400 square feet of building area, which includes a 7,000 square foot spa, 5,600 square feet of restaurant dining area, a 5,000 square foot swimming pool, a 4,000 square foot exercise room, a 4,000 square foot locker room, 3,000 square feet of pool and spa deck area, 2,000 square feet of retail area, 2,000 square feet of bar area, and 800 square feet of restaurant kitchen area. These uses would be projected to accommodate 1,073 people, resulting in an average intensity of 34 persons per acre, which is consistent with the Compatibility Zone D intensity limit of 100 persons per acre. This would also allow for up to 2,082 persons to be utilizing the surf lagoon area at any given time.

**The surf lagoon will not be utilized as a public amusement park. Its use will normally be limited to residents of the tract and their guests, renters of the dwellings in the multi-unit structures, and club members, although there could also be special demonstrations and training activities.**

The intensity of the “village” area may also be considered using the Parking Space Method. The

project proposes 361 parking spaces. If we assume 1.5 persons per vehicle, this would translate into an overall occupancy of 542 persons, resulting in an average intensity of 17 persons per acre, which is also consistent with the Compatibility Zone D intensity limit of 100 persons per acre.

Non-Residential Single-Acre Land Use Intensity: Pursuant to Table 2A of the Countywide Policies of the Riverside County Airport Land Use Compatibility Plan, single-acre intensities are limited to 300 persons in any given acre area within Compatibility Zone D. (This number may be increased by up to 30 percent through use of up to seven risk-reduction design measures.) While average intensity considers the intensity in comparison to the overall acreage of a project site or of a specific parcel, single-acre intensity is measured by determining how many people would be present within any given 210-foot-by-210-foot area within a site. So this is affected not simply by the occupancy of any individual building, but also by the distance between buildings and building orientation.

As to this project, the buildings are widely spaced. Only small portions of Building 2 are located within the single-acre areas encompassing Buildings 1 and 4. The single-acre area including Building 3, which includes 4,300 square feet of dining area, does not include portions of any other building. The single-acre area including all of Building 2 also does not include portions of any other buildings. The project designers were clearly aware of the ALUCP intensity limits and took great care to not exceed the limit of 300 persons in any given acre.

Building 1 has a floor area of 16,000 square feet, consisting of a 7,000 square foot spa, 1,000 square foot deck, 4,000 square foot exercise room, and 4,000 square foot locker room, accommodating a total of 297 persons. The portion of Building 2 within this single-acre is de minimis – less than 30 square feet, accommodating perhaps 2 persons at most. Therefore, this single-acre area would meet the intensity criterion not exceeding 300 persons.

Building 2 has a floor area of 8,000 square feet, consisting of a 5,000 square foot swimming pool, a 2,000 square foot deck, and a 1,000 square foot bar, accommodating a total of 300 persons. As no portion of any other building is included within the single-acre area including all of Building 2, this single-acre area would meet the intensity criterion not exceeding 300 persons.

Building 3 is envisioned as an event facility with a floor area of 5,900 square feet, consisting of 4,300 square feet of dining area, 1,000 square feet of administrative space (evaluated at one person per 200 square feet), and 600 square foot kitchen, accommodating 295 persons. As no portion of any other building is included within the single-acre area including all of Building 3, this single-acre area would meet the intensity criterion not exceeding 300 persons.

Building 4 is envisioned as a retail and restaurant building with a floor area of 4,500 square feet, consisting of 2,000 square feet of retail area (evaluated at one person per 60 square feet), 1,300 square feet of restaurant dining area, a 1,000 square foot bar, and 200 square feet of kitchen area, accommodating 188 persons. The single-acre area including all of Building 4 slightly overlaps into Building 2, but the area in Building 2 is de minimis – less than 30 square feet, accommodating 2 persons at the most. Therefore, this single-acre area would meet the intensity criterion not exceeding



300 persons.

**Prohibited and Discouraged Uses:** Highly noise-sensitive outdoor nonresidential uses and hazards to flight are prohibited uses within Compatibility Zone D, and children's schools are discouraged uses. An early version of the plot plan proposed an amphitheater within the "village" area, but this element was deleted in order for the project to comply with the Zone D single-acre intensity criteria. A report from Dr. Russell DeFusco of BASH, Incorporated has been prepared to assess whether the proposed water bodies would attract birds and thereby constitute a hazard to flight.

**Noise:** The site is located outside the 55 CNEL (Community Noise Equivalent Level) contour. Therefore, no special noise mitigation measures are required. Typical construction methods reduce noise levels by 20 dB(A), thus reducing average interior noise levels from aircraft to below 40 CNEL, which is acceptable for residential land uses.

**PART 77:** The elevation of Jacqueline Cochran Regional Airport's Runway 17-35 at its future southerly terminus is -137.5 feet (137.5 feet below mean sea level). At a distance of two miles (10,560 feet), any structure with a top point elevation exceeding -31.9 feet (i.e., less than 31.9 feet below mean sea level) would require notice to, and review by, the Federal Aviation Administration Obstruction Evaluation Service (FAA OES). The highest pad elevation on-site is at -150.7 feet, and structures will not exceed a height of 42 feet, for a maximum top point elevation of -108.7 feet. Therefore, FAA OES review for height/elevation reasons was not required.

**Open Area:** Compatibility Zone D requires that 10% of area within major projects (10 acres or larger) be set aside as open land that could potentially serve as emergency landing areas. A significant portion of the area of the proposed project is located outside the individual lots, but is mostly comprised of open water areas that would remain open water on a regular basis.

~~The applicant team is presently in the process of assessing areas that could be utilized as ALUC-qualifying open area.~~

**The applicant team is proposing to designate the earthen trap channel as the open area. The channel is a regional flood control facility designed to drain within 48 hours. The widths depicted on the open land exhibit are the flat bottom widths, excluding any sloping areas. This channel could function like a runway in dry conditions.**

**While a permanent water body is not suitable as an open area, as many types of aircraft would go down quickly, a drainage channel fits the requirement based on length, width, and the lack of obstructions. In Compatibility Zone D, parking lots qualify to meet open area requirements, and a landing in a dry channel would be preferable to a landing in an occupied parking lot.**

**Bird Aircraft Strike Hazard (BASH) Concerns:** The project includes a 21-acre surf lagoon and a 3.2-acre reservoir. These are intended to perpetually hold water – a feature that distinguishes them from

stormwater detention basins. **Jacqueline Cochran Regional Airport serves both piston and turbine powered aircraft, so hazardous wildlife attractants are prohibited within 10,000 feet of the runways. However, Federal Aviation Administration (FAA) criteria also reference a five-mile range to protect approach, departure, and circling airspace.** As a result, ALUC staff requested that a qualified wildlife hazard biologist review the proposed project. Since the proposed facilities do not yet exist, Principal Planner John Guerin advised project representatives that a Wildlife Hazard Site Visit would be sufficient for evaluation of the proposed project, rather than a full Wildlife Hazard Assessment (WHA) that requires 12 months of field studies in accordance with FAA guidelines. A site visit and management plan review was prepared by Dr. Russell DeFusco of BASH Incorporated in March, 2019.

Dr. DeFusco's report states as follows:

"A total of 7 wildlife strikes have been reported and documented in the FAA Wildlife Strike Database...for aircraft operating from TRM [Jacqueline Cochran Regional Airport]. All reported strikes occurred since 2002. Four of the seven strikes caused significant damage to the aircraft and are a high proportion of reported strikes when compared to other airports nationwide. One was caused by coyotes, one by a California Gull, and two by Canada geese..."

It should be noted that the adopted Specific Plan that includes this area had depicted a lake in this area extending easterly from the existing lake that had previously been approved ~~as part of the residential development~~ to the west of this project within the same Specific Plan. Dr. DeFusco concluded that the changes in the orientation and design of the lake and surrounding shoreline "would result in a decrease in potential attractiveness compared to the originally permitted plan." Mitigation measures include physical design of the water bodies, a comprehensive landscape plan, trash management, no wildlife feeding policies, and active harassment of birds or other wildlife using a variety of acoustic, visual, biological, and other dispersal techniques incorporated in a comprehensive, integrated Wildlife Mitigation/Management Plan for the property.

With regard to the design of the surf lagoon, Dr. DeFusco notes that the conceptual Specific Plan had depicted a lake with "a complex, convoluted shoreline with multiple coves and peninsulas [that] would have provided substantial shoreline cover for feeding and breeding areas for a variety of species. The ... elimination of all shoreline and emergent vegetation will significantly deter species that would have fed, bred, or taken shelter there. The high-tech water clarification system will essentially "sterilize" the water and virtually remove all organic matter that would otherwise form the base of a food chain that could have promoted zooplankton, macroinvertebrates, and the larger species that would feed on them....So long as the shoreline of the lagoon is maintained in sand or gravel and vegetation is prevented from growing along its margins, its attractiveness will remain minimal and will limit the possibility of introducing organic matter to the lagoon."

**Dr. DeFusco's report, including the Mitigation/Management Plan prepared by Whitestar, was forwarded to Lisa Harmon of Mead & Hunt for third-party review. Ms. Harmon prepared the Wildlife Hazard Report and brochures distributed by ALUC. In a letter provided on the eve**



**of the June hearing, she recommended that the Whitestar Mitigation/Management Plan be amended to be consistent with Dr.DeFusco's recommendations.**

**Whitestar has amended its Mitigation/Management Plan, and the amended Plan is now found on pages 27 through 34 of the updated Wildlife Hazard Site Visit report.**

Dr. DeFusco also noted that a full 12-month Wildlife Hazard Assessment was completed by Jacqueline Cochran Regional Airport in 2017, but there was no documentation that such a study was conducted for the existing lake extending onto this property. Given his comments regarding the attractiveness of the existing lake to birds (although perhaps miniscule in comparison to the Salton Sea), this feature may have been a contributing factor to some of the wildlife strikes (excluding, of course, the one by coyotes). A review of ALUC minutes indicates that a case was submitted for review of a grading permit for a 23-acre lake in 2005 (Case No. TH-05-100), and that then-Executive Director Keith Downs prepared a staff report requesting a Wildlife Hazard Assessment, but the case was withdrawn prior to the March 2005 ALUC meeting.

Staff's focus in reviewing the current report is on the assessment of the effects of the proposed project, and the existing lake is now beyond ALUC's purview as an existing land use. However, should plans for the area to the west change in the future through a Specific Plan Amendment or as a result of expiration of the approved tentative map and filing of a new map, it may be appropriate to require a Wildlife Hazard Assessment of the lake at that time.

#### **ADDITIONAL DATA IN RESPONSE TO COMMISSIONERS' CONCERNS:**

**At the June 13 hearing, Chairman Manos inquired with regard to statistics on bird strikes. The applicant team reports that, within Southern California, Fullerton Airport has experienced 24 bird strikes, McClellan-Palomar (in San Diego County) 29, Chino and Palm Springs International 66 each, and Van Nuys 234.**

#### **CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all prospective purchasers of the proposed parcels and tenants or lessees of the buildings, and shall be recorded as a deed notice prior to or in conjunction with recordation of the final tract map. In the event that the Office of the Riverside County Assessor-Clerk-Recorder declines to record said notice, the text of the notice shall be included on the Environmental Constraint Sheet (ECS) of the final tract map, if an ECS is otherwise required.
  4. The shoreline of the surf lagoon shall be maintained in sand or gravel. No vegetation or landscaping shall be permitted along the margins of the shoreline.
  5. Vegetation around the reservoir that would provide food, ~~or~~ cover, or **nesting opportunities** for birds or **other wildlife** would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced to prevent contiguous canopy, when mature. Trees and bushes shall not produce fruit, seeds, or berries.  
  
Any landscaping around the reservoir shall be in accordance with the guidance provided in ALUC's "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at RCALUC.ORG which list acceptable plants from Riverside County Landscaping Guide, or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.
  6. The reservoir to be used for the delivery and retention of canal water for recreational use in the surf lagoon shall be constructed with steep sides (minimum slope of 3:1), minimal surface area, and deep water and lined with concrete or other impervious materials to prevent vegetation growth along the margins.
  7. The reservoir shall be completely covered at all times from top, sides, and bottom so as to prevent access by birds and other wildlife. The cover shall consist of 1" x 1" UV-protected

polypropylene mesh secured at ground level around the edges and suspended four feet above the edge elevation, on steel cables spaced not greater than 30 feet apart, as depicted on the attached exhibits. The suspension design is intended to allow for the sagging of the netting material without touching the surface of the waters, so that the material stays dry. The cables and netting material shall be maintained in operable condition (no gaps or tears) throughout the life of the permit, as long as the reservoir holds water or other liquid.

8. Club personnel responsible for maintenance of the lagoon and reservoir shall be trained and equipped to disperse birds that may attempt to access the waters through use of handheld sonic devices to be used only when birds are noted present or approaching, in order to “herd” them away from the facility. **Club personnel shall receive training from an FAA-qualified wildlife hazard biologist or someone who has received training from an FAA-qualified wildlife hazard biologist through a “Train the Trainer” program or similar.**
9. In the event that any incidence of wildlife hazard affecting the safety of air navigation occurs as a result of the presence of the surf lagoon and/or reservoir on-site, upon notification to the airport operator (currently the Riverside County Economic Development Agency) of an incidence, the airport operator shall notify Kohl Ranch Company, LLC (or its successor(s)-in-interest) (hereafter referred to as “owner”) in writing. Within 15 days of written notice, the owner shall be required to promptly take all measures necessary to eliminate such wildlife hazard, including, if necessary, the draining of the lagoon and/or emptying of the reservoir. An “incidence” includes any situation that results in an accident, incident, “near-miss,” or specific safety complaint regarding an in-flight experience to the airport operator or to federal, state, or county authorities responsible for the safety of air navigation. The owner shall work with the airport operator to prevent recurrence of the incidence. For each such incidence made known to the owner, the necessary remediation shall only be considered to have been fulfilled when the airport operator states in writing that the situation has been remediated to the airport owner’s satisfaction.
10. The uses within Buildings 1 through 4 and the square footages of individual portions of those buildings shall comply with the chart included on Sheet 1 of the plot plan dated May 23, 2019. The maximum Building Code occupancy for any of these buildings shall not exceed 300 persons.
11. **Due to the site’s proximity to Jacqueline Cochran Regional Airport, flight of unmanned aerial systems (drones) is height restricted over this site and requires advance coordination with the Federal Aviation Administration for use of airspace. Heights may be restricted to 100 feet.**



**Guerin, John**

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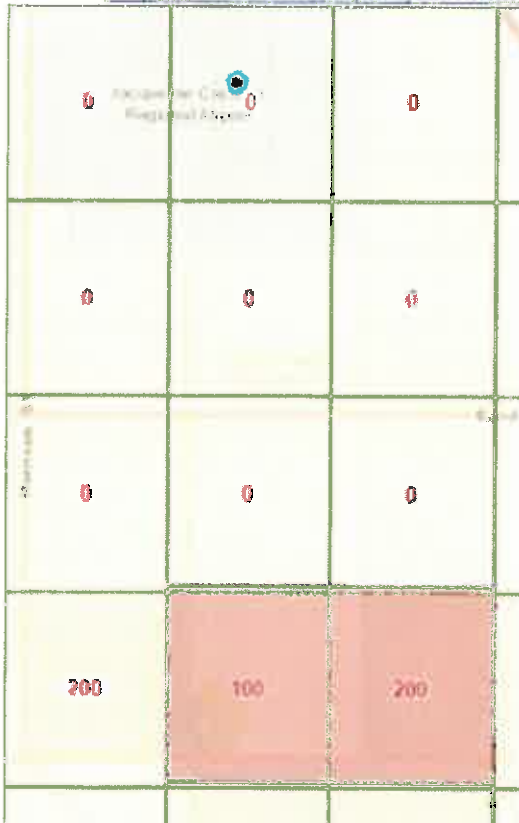
**From:** Lisa Harmon <Lisa.Harmon@meadhunt.com>  
**Sent:** Wednesday, June 26, 2019 11:54 AM  
**To:** Guerin, John  
**Subject:** FW: Case No. ZAP1046TH19 – Thermal Beach Club: Revised Wildlife Hazard Management Measures

Maranda and Chuck and I have been talking about this:

To operate a drone, the following would apply:

- The applicant will need to coordinate with the FAA in advance of using the UAS (Part 107 Airspace Authorization or Waiver Application in the *FAA DroneZone*). This coordination must be done prior to each use of the UAS and should occur within 30 days of use (although FAA typically responds within 2 weeks).
- The applicant can use the FAA UAS map to determine height restrictions for UAS activity near TRM. Based on my quick review of the project, it appears that the UAS ceiling is 100-200 feet AGL (see clip below).
- Please direct applicant to this FAA UAS webpage:

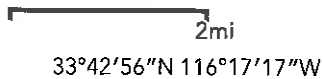
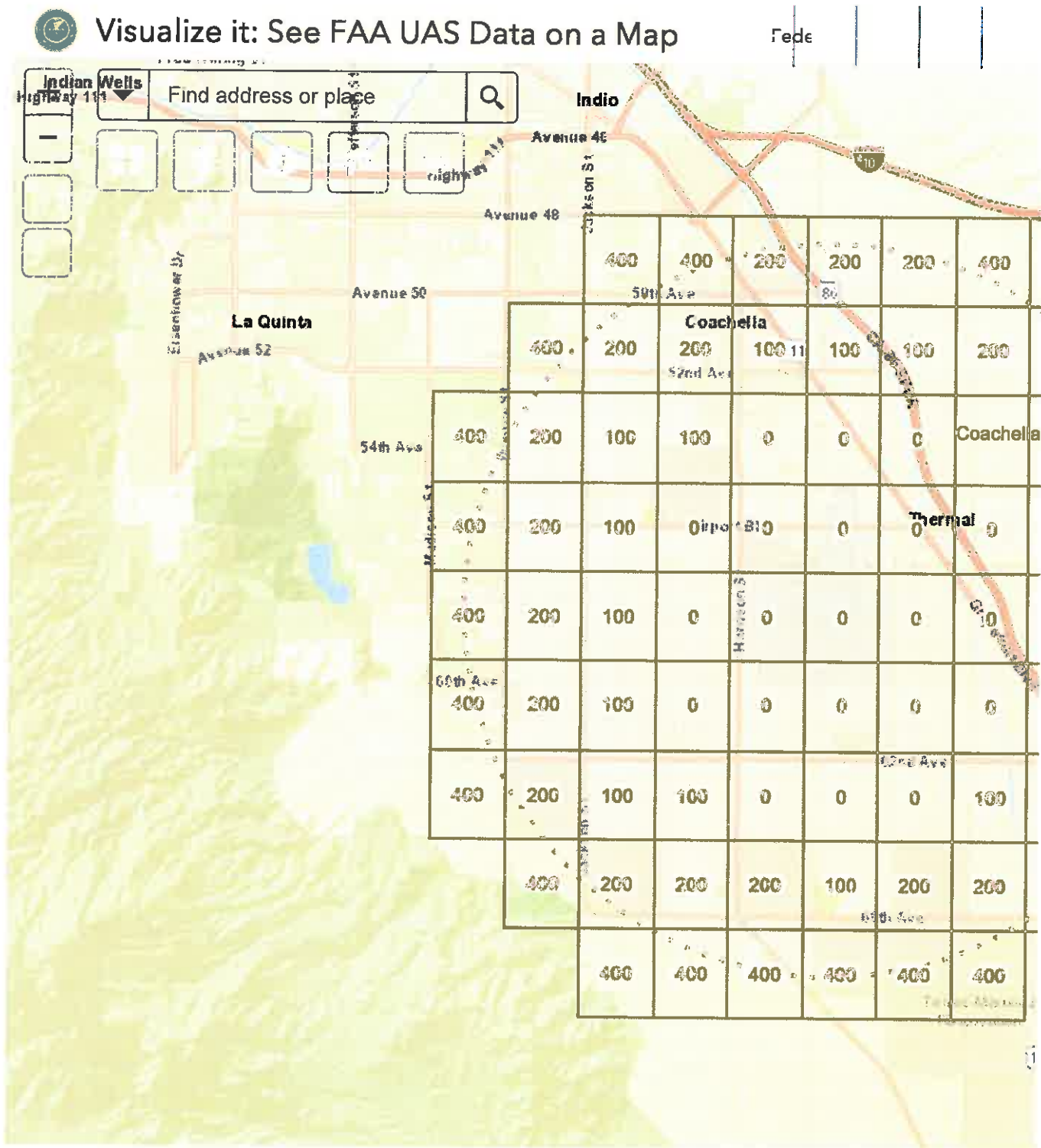
[https://www.faa.gov/uas/commercial\\_operators/uas\\_facility\\_maps/](https://www.faa.gov/uas/commercial_operators/uas_facility_maps/)



Feel free to reach out to Chuck if you have questions.

Thank you.  
Maranda

**Maranda Thompson | Mead & Hunt Aviation Services**



## Guerin, John

---

**From:** Melissa Perez <melissa.perez@webbassociates.com>  
**Sent:** Wednesday, June 26, 2019 11:24 AM  
**To:** Guerin, John  
**Cc:** Maranda Thompson; Lisa Harmon  
**Subject:** RE: Case No. ZAP1046TH19 – Thermal Beach Club: Revised Wildlife Hazard Management Measures  
**Attachments:** Updated WHSV\_06-26-19.pdf; Updated WHMP\_06-26-19.docx

**CAUTION:** This email originated externally from the **Riverside County** email system.  
**DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good morning and thank you for your comments. The revised WHA that includes the revised Whitestar Plan (Appendix D – as of 6/26/19) addressing comment letter dated 6/25/19 is attached. For your convenience, the Whitestar Plan is also attached in a Word document in Tracked Changes to easily find the edits. Please let me know if anything further is needed. The use of drones has been eliminated as an active measure.

**Melissa Perez - Senior Environmental Planner**  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

**From:** Lisa Harmon [mailto:[Lisa.Harmon@meadhunt.com](mailto:Lisa.Harmon@meadhunt.com)]  
**Sent:** Tuesday, June 25, 2019 5:47 PM  
**To:** John J.G. Guerin <[jguerin@rivco.org](mailto:jguerin@rivco.org)>  
**Cc:** Melissa Perez <[melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com)>; Maranda Thompson <[maranda.thompson@meadhunt.com](mailto:maranda.thompson@meadhunt.com)>  
**Subject:** Case No. ZAP1046TH19 – Thermal Beach Club: Revised Wildlife Hazard Management Measures

John,

John,

Mead & Hunt reviewed the WHSV and Management Plan Review report submitted on Saturday, June 22. Because the report was forwarded to me by Melissa Perez of Webb Associates, I am copying her on our correspondence.

The project proponent has responded to the comments forwarded to the ALUC on June 12, 2019, and the revised wildlife hazard management measures coincide much more closely with Dr. DeFusco's WHSV report.

I have only a few items remaining as shown in the attached letter, and these items are associated with the assignment of management measures to employees, necessary training for Thermal Beach Club employees by a qualified airport wildlife biologist, and questions regarding the applicability of UAS (drone) use to manage wildlife. The revised plan identifies the approximate altitudes at which aircraft would be flying over the site (900 to 1,100 feet above ground level); however the report did not identify that the proposed project is located beneath the horizontal surface. It is also possible that portions of the site reside beneath the 20:1 conical surface and 50:1 precision approach. (I did not prepare a graphical analysis, but it is clear that the horizontal surface overlies the site.) The maximum allowable altitude beneath the horizontal surface is defined as 150 feet above the runway elevation. (The runway elevation identified on the ALP is -114.4 feet msl.) Although I do not know what the finished site grade will be, it seems that UAS (drone)

technology might not be appropriate for the site. If the project proponent chooses to use UAS technology, an airspace analysis and coordination with both the FAA and Airport staff will be required.

Assuming that few remaining items identified in Table 1 of the attached letter are addressed, Mead & Hunt has no further comment. Thank you for the opportunity to work with the Riverside County ALUC.

Thanks,  
Lisa

**Lisa Harmon | Aviation Planner**

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**WHITESTAR DEVELOPMENT**  
**THERMAL BEACH CLUB**  
Bird Mitigation/Management Plan

**Project**

Thermal Beach Club (the “Project”) is located within the Kohl Ranch boundaries, approximately two to three miles south of Jacqueline Cochran Regional Airport. The Project consists of approximately 116 acres containing a private residential neighborhood surrounding one 3 acre reservoir and one 20 acre surfing lagoon. Located immediately next to the Thermal Beach Club project, and part of the Kohl Ranch, is an approximate 20 acre lake with no active bird mitigation plan.

**Major Components of Project**

- 3 Acre reservoir to be used for the delivery and retention of canal water for recreational use within the surf lagoon.
- 20 Acre Crystal Lagoon with surf technology. The surf lagoon will be used for recreational use by the residents and members of Thermal Beach Club. The lagoon will be capable of producing 6 waves per second with heights to seven feet.
- 116 Acres containing 362 Residential units ranging from 4-plexes to single family residences.
  - It is recognized that various architectural structures within the village and the community may provide opportunity for birds to nest and or loaf. Care will be taken in the design phase to minimize these areas as much as practical. In addition, Thermal Beach Club maintenance staff will work to ensure that any problem areas are addressed with measures that make it undesirable for birds to nest.
  - This area is further addressed in the *Implementation Section* of this plan.
- All landscaping in common area and residential unit yards (both front and back) installed and maintained by Thermal Beach Club.
- Village area providing the location for various private club amenities including clubhouse, pools, tennis, fitness center, restaurant, etc.
  - It is recognized that various architectural structures within the village and the community may provide opportunity for birds to nest and or loaf. Care will be taken in the design phase to minimize these areas as much as practical. In addition, Thermal Beach Club maintenance staff will work to ensure that any problem areas are address with measures that make in undesirable for birds to nest.
  - This area is further addressed in the *Implementation Section* of this plan.

The project will create job opportunities for at least 150 people within the first two years.

### **Purpose of Bird Mitigation Plan**

The purpose of a Bird Mitigation/Abatement program is:

- To reduce threats to human health and safety.
- To ensure the health and safety of the residents of Thermal Beach Club and the adjoining properties including Jacqueline Cochran Regional Airport.
- To mitigate the risk of bird strikes to aircraft on approach to and departure from Jacqueline Cochran Regional Airport.
- To reduce damage to property.
- To remove birds and or encourage birds to seek other locations safer and more desirable for their occupation.

Many species of birds that present hazards to aircraft including various waterfowl, California Gulls, pelicans, falcons, hawks and other birds exist in the proximity of the site as noted in Appendix A. This bird mitigation plan is designed to focus on all species of birds found in the proximity of the site to ensure the site stays free of all species of birds for both the safety of the members and risks to flight of aircraft.

Migratory geese, due to their size, present the most danger to aircraft on approach to and departure from Jacqueline Cochran Regional Airport. As noted below, there were six bird strikes at Jacqueline Cochran Regional Airport from 2002 to present. Three of the six strikes caused substantial damage the other three caused no damage. Of the three strikes causing damage, two were reported as Canada Geese and one was reported as a California Gull. Migratory geese may also create a health hazard to residents due to the large amounts of fecal matter that they leave behind. A single goose can weigh 12 pounds, eat up to four pounds of grass per day and create about three pounds of fecal matter per day. The average flock of geese can range from 25 to 100 geese. Just 25 geese can eat 100 pounds of grass and leave 75 pounds of fecal matter per day or 525 pounds per week. A flock of 100 geese can eat 400 pounds of grass and leave 300 pounds of fecal matter per day or 2,100 pounds of fecal matter per week. These numbers equate to significant property damage and some serious health concerns due to potential disease. For these reasons, Thermal Beach Club will maintain and implement this bird mitigation plan on a daily basis.

### **Bird Strikes**

Bird strikes reported in the Coachella Valley since 2002 relative to aircraft operations:

- Jacqueline Cochran Regional Airport:
  - 6 total birds strikes since 2002 (Appendix B)
  - 110,595 flight operations during 2018 (Appendix C)
- Palm Springs International:
  - 66 total bird strikes since 2002 (Appendix B)
  - 51,830 flight operations during 2018 (Appendix C)

As noted in Dr. DeFusco's report dated March 2019, page 4, bird strike reporting rates are well below that of other airports of similar size and are likely indicative of relatively lower risk of occurrence compared to other locations. Dr. DeFusco briefly interviewed one of the lead instructor pilots at the Jet Training Center who indicated that bird strike risk is considered minimal by pilots operating from the airport. Additionally, as identified in Dr. DeFusco's report

dated March 2019 page 7, there is an existing approximately 20 acre lake that is adjacent to the site that has not maintained a bird mitigation plan.

### **Bird Mitigation/Depredation Methods:**

Bird Mitigation and Goose Depredation programs will follow all licensing requirements of the U.S. Fish & Wildlife Services, the Migratory Bird Treaty Act, and the California Department of Fish and Game. The program will utilize multiple methods of non-lethal abatement such as:

- Specially trained and equipped personnel.
- Specially trained dogs.
- Remote controlled devices.
- Use of Parabolic Speakers/Sound Hailing devices for bird harassment.
- Removal of nests will be by permit and within the legal limits of such permit.
- No feeding policy strictly enforced within community.
- Dedicated staff members that are part of the Thermal Beach Club landscape maintenance staff and lagoon cleaning/maintenance staff employed and will receive trained training in bird mitigation tactics from a qualified airport wildlife biologist in accordance with FAA guidance.
- Minimum of 5 lagoon cleaning/maintenance staff will clean crystal lagoon 8 hours per day, 7 days per week.
- All cleaning staff to be trained in bird mitigation techniques.
- Migratory Bird Treaty Act Federal Depredation Permits will be maintained at all times by Thermal Beach Club.

### **Implementation**

The mitigation plan will be implemented in full by using every method of deterrent, both passive and active, as needed at all times. All Thermal Beach Club landscape maintenance staff and lagoon cleaning/maintenance staff will be trained in proper maintenance and monitoring of all passive measures and may be trained in active measures such as the use of sonic devices and some active measures. Staff will receive training from a qualified airport wildlife biologist in accordance with FAA guidance. Staff to be trained in the use of sonic devices for bird mitigation may receive additional training from wildlife management professional(s). Trained staff will be responsible for bird mitigation at all times while on duty. In addition to Thermal Beach Club trained staff performing bird mitigation measures, Thermal Beach Club will maintain a contract with a wildlife management professional (s) that possess the skills and equipment to provide bird mitigation services as needed to supplement Thermal Beach Clubs efforts.

### **Passive Measures:**

- Trained and Equipped Thermal Beach Club Personnel
  - Five (5) to eight (8) lagoon cleaning techs will be on site daily, equipped to implement Thermal Beach Club passive bird mitigation strategies.
  - Two (2) to eight (8) landscape maintenance personnel will be on site daily, equipped to implement Thermal Beach Club passive bird mitigation strategies.
- Physical Design of surf lagoon
  - Open structure without coves and peninsulas.
  - Depth of the water ranging from 1 to 16 feet with 85% of the lagoon depth of 3 feet or more.

- Concrete lining around shoreline.
- Mix of liner and concrete in all bottom areas of lagoon.
- Southeast edge of lagoon is concrete curb like structure which is perpendicular to the surface of the water and extends 16 feet below the surface of the water.
- 25-75 foot sand perimeter of lagoon will have no vegetation allowed and will be kept clean and free from organic material daily by lagoon cleaning/maintenance staff for health and safety of members and to deter birds by not allowing any areas for shelter, nesting or food.
- Water clarification system will treat water by removing all organic material that enters water as well as treating for bacteria, amoebas, and algae. No organic life will be able to live in the lagoon due to the clarification/treatment system.
- Water clarification system and condition of water are monitored 24 hours per day, 7 days per week by a remote telemetry system that treats the water 24/7 to ensure water is free from any organic material that might attract birds.
- Maintenance and cleaning of lagoon. Full time lagoon cleaning/maintenance staff of up to 8 will be cleaning the lagoon during daylight conditions all days of the week. This staffs presence and training in bird mitigation, will deter birds every day of the week during daylight hours.
- Activity of members using the lake for surfing, stand up paddle boarding, kayaking, swimming, etc. will deter birds from the lagoon. Use of the lagoon will be daily from sunrise to sunset.
- Physical Design of Irrigation Reservoir
  - Treated to reduce and or eliminate weeds and all organic matter that attracts birds by landscape maintenance staff.
  - Floating fountains will be installed in reservoir to maintain water movement to prevent stagnation. Stagnation allows for growth of organic material.
  - Landscaping surrounding the lagoon will be maintained by landscape maintenance staff to discourage nesting.
  - Perimeter will be impervious material with a minimum slope of 3:1
  - Water depth will be 5' or greater.
  - UV shade cloth covering the reservoir will be implemented.
- Landscape Plan
  - All landscape for the club common areas as well as the individual residences will be maintained by Thermal Beach Club landscaping maintenance staff ensure the proper planting and maintenance required to deter birds.
  - The beach area immediately surrounding the lagoon will be kept free of plant material by landscape maintenance staff.
  - All plant material will be chosen to eliminate nesting areas or attraction to nuisance birds. No plants producing seeds or fruit will be planted.
  - All plants or trees will be planted in a manner to not allow birds the ability to transfer tree to tree without being exposed to predators, wind, elements, etc.
  - All landscape will be maintained by landscape maintenance staff in accordance with standards such as the ALUC published brochure entitled "landscaping near airports", that prevent nesting and attraction of birds.
- Village Area/Restaurant/Bar/Food Management



- No feeding of wildlife will be permitted. Signs will be present in key locations to remind members of no wildlife feeding policy. Food service staff will enforce no feeding policy and continually keep entire food service area, including the floor, free of sitting food and debris that would be attractive to birds.
- Special care in design will be used to minimize areas of attractiveness to birds.
- All trash will be maintained in trash containers that close after use and cannot be opened by birds or other wildlife.
- Daily janitorial duties by trained staff will ensure the site is free from food and trash that any member may have left behind.
- Food refuse will be kept in **covered** trash containers in a location that will be difficult to be accessed by birds. The food containment areas will be kept clean regularly throughout each day.
- Residential Area
  - Special care in design will be used to minimize areas of attractiveness to birds.
  - Landscaping will be installed and maintained by Thermal Beach Club **landscape maintenance** staff in accordance with this plan and the ALUC published brochure entitled “landscaping near airports”.
  - Problem areas will be addressed with measures that make it undesirable for birds to nest **by landscape maintenance staff**.
- Trash
  - All homes within the project will be required to have trash containers that are closed/covered at all times in a manner that birds or other wildlife would not be able to open them.
  - All trash containers, residential, commercial, and industrial will have lids that force them to remain closed at all times.
  - Daily maintenance walks will be conducted by trained employees to recognize signs of bird occupancy in order to take action to harass the birds.
  - Daily janitorial duties by trained staff will ensure the site is free from food and trash that any member may have left behind.
  - Signs will be located strategically to ensure that members do not feed birds or leave food out.
- Documentation and Covenants
  - Covenants, Conditions, and Restrictions will be used to enforce the provisions noted above.
  - Membership documents will be used to enforce the provisions noted above.

**Active Measures:**

- Trained and Equipped Personnel
  - **Five (5) to eight (8)** lagoon cleaning techs **will be** on site daily, will be trained **and equipped** to implement Thermal Beach Club **active** bird mitigation strategies **with respect to the use of sonic devices**.
  - **All days of the week Two (2) to eight (8)** **landscape Maintenance** personnel will be on site **daily who** will be trained and equipped to implement Thermal Beach Club **active** bird mitigation strategies **with respect to the use of sonic devices**.
  - At all times, a contract with wildlife management professional(s) will be maintained and used to supplement Thermal Beach Club mitigation strategies **and to implement**

active measures related to the use of dogs, legal control, nest removal, and sonic devices.

- Sonic Devices
  - Active dispersal will be done via long range hailing devices which project high decibel sound within a central beam that allows for the birds to be targeted without being disruptive to members. These devices can be effective up to ½ mile which will allow them to be effective across the lagoon from any location. These devices will be used by hand and only during the presence of birds.
- Remote Control Devices
  - Active dispersal will be done through the use of remote controlled devices such as boats and drones. Remote control devices, such as boats, are particularly effective with waterfowl as they cause panic in the flock which encourages their departure.
  - Drones will also be used to disperse birds. The drones will be pre-programmed with GPS coordinates which will keep them well below the 400-foot ceiling for drone flight in controlled airspace per part 107 rules and within the Thermal Beach Club property boundary lines. The trained operators will comply with all FAA rules, requirements and licensing. The approach/departure end of runway 35 (Jacqueline Cochran) is 10,560 feet from Thermal Beach Club property boundary which is approximately 1.8 nautical miles. Using a standard climb/approach gradient of 3%, aircraft on departure/approach to/from runway 35 (closest runway), an aircraft would be at approximately 900-1100 feet above ground at 1.8 nautical miles from the airport. This height is well above the height necessary for drone usage for bird control.
  - Thermal Beach Club will work directly with the FAA and Jacqueline Cochran Regional Airport manager as required for any drone flights needed for bird mitigation.
- Trained Dogs
  - Trained dogs will also be utilized to disperse/harass birds in concert with all other methods of dispersion/harassment.
- Nest Removal
  - If any nests become established on the property, the nests will be removed in compliance with federal and state laws.
  - Migratory Bird Treaty Act Depredation Permits will be obtained and maintained by Thermal Beach Club in the event that all other non-lethal methods fail.
- Lethal Control
  - All non-lethal methods will be used to disperse birds before using lethal methods.
  - Migratory Bird Treaty Act Depredation Permits will be obtained and maintained by Thermal Beach Club in the event that all other non-lethal methods fail.

### **Responsibility, Frequency, and Coordination**

- Responsibility
  - Thermal Beach Club will permanently employ staff that will be responsible for the oversight of the bird mitigation plan.

- Additionally, there will be a minimum of 5 lagoon cleaning/maintenance staff that will be cleaning and maintaining the lagoon 7 days a week during daylight hours. These techs will be trained to implement the passive and active bird mitigation methods as identified found in the Implementation section of this plan.
- A full time landscape maintenance crew will be employed who will also be trained as identified in the Implementation section to implement the passive and active bird mitigation methods as identified found in the Implementation section of this plan.
- Frequency
  - All bird mitigation methods will be implemented and acted upon 7 days a week as necessary, to insure the safety of the members and aircraft in flight. passive measures will be on going, while active measures will be implemented as necessary to support passive measures and to enhance safety.
- Monitoring
  - Thermal Beach Club staff responsible for bird mitigation plan will monitor the success of the plan by the number of birds present each week. Any changes in numbers of birds will require the assessment of effectiveness of the measures being used. As changes occur, other methods identified in this plan or by the maintenance crew and airport, will be used. In the event that all non-lethal methods have been used, lethal methods will be used in accordance of all applicable laws.
- Coordination
  - Thermal Beach Club will coordinate with airport manager on a monthly basis to compare wildlife observations and work together to minimize risk to flight. Input from the maintenance crew and airport can prompt tweaks to the program as needed.

### **Experience**

Whitestar Development/Whitestar Management has managed many communities throughout Coachella Valley representing thousands of homes and many artificial/man-made lakes for more than a decade. This bird mitigation and goose depredation program has been implemented and is currently in use throughout our portfolio. The success of the program has been achieved by the combination of landscape management, lake water quality management, and the use of the specific non-lethal abatement methods described above.

### **Professional Abatement Experience**

Whitestar has contracted with Winged Solutions for the abatement of multiple species of birds, including geese for many years. Winged Solutions is a specialist in non-lethal bird and goose abatement and is licensed by the U.S. Fish and Wildlife Services and the California Department of Fish and Game. Winged Solutions utilizes dogs, sonic devices, nest removal, and remote controlled devices to remove birds and keep birds away at all times. Winged solutions also keeps and active Migratory Depredation Permit with the U.S. Fish and Wildlife Service and complies with all Federal and State reporting requirements of the permit. Thermal Beach Club will contract with Winged Solutions or other professional wildlife experts to supplement its efforts in implementing this bird mitigation plan.

### **Existing Resort clients of Winged Solutions:**

- Renaissance Esmeralda
- Hyatt Grand Champions

- Indian Wells Golf Resort

### **Federal Law**

Migratory birds are protected under four bilateral migratory bird treaties the United States entered into with Great Britain (for Canada in 1916 as amended in 1999), the United Mexican States (1936 as amended in 1972 and 1999), Japan (1972 as amended in 1974), and the Soviet Union (1978). Regulations allowing the take of migratory birds are authorized by the Migratory Bird Treaty Act (16 U.S.C. 703-711), and the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712). The Migratory Bird Treaty Act (Act), which implements the above-mentioned treaties, provides that, subject to and to carry out the purposes of the treaties, the Secretary of the Interior is authorized and directed to determine when, to what extent, and by what means allowing hunting, killing, and other forms of taking of migratory birds, their nests, and eggs is compatible with the conventions.

On August 10, 2006, in the Federal Register (71 FR 45964), a final rule was published establishing regulations in 50 CFR parts 20 and 21 authorizing state wildlife agencies, private landowners, and airports to conduct (or allow) indirect and/or direct population control management activities, including the take of birds, on resident Canada Goose populations. It is the intention of the Thermal Beach Club bird mitigation program to use non-lethal methods of abatement for all species of birds that bring risks to the residents of Thermal Beach Club and to the surrounding properties including Jacqueline Cochran Regional Airport. In the event that non-lethal methods are not successful in removing an individual or group of birds, all federal permits will be obtained in order to lethally remove the individual or group of birds that has otherwise not been removed through all other methods. All federal and state laws will be directly followed as it relates to the particular species of bird involved.

### **FAA Regulations**

Thermal Beach Club will implement this bird mitigation plan and revise the plan when necessary in accordance with the guidance provided in the following FAA publications:

- CFR part 139.337 (Appendix C)
- FAA Advisory Circular 150/5200-33B (Appendix D)
- FAA Cert Alerts issued that may be applicable
- Reports prepared by the Airport Cooperative Research Program

### **Contingency Plan**

In the very unlikely event that the Thermal Beach Club is not successful and the lagoon has been constructed and filled with water, Thermal Beach Club will cause the lagoon to be drained and maintained in a drained and dry state.



# **Wildlife Hazard Site Visit and Management Plan Review**

## **Thermal Beach Club Thermal, California June 26, 2019**



*Prepared by:*

Russell P. DeFusco, PhD, USAF (ret)  
BASH Incorporated  
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## **EXECUTIVE SUMMARY:**

The Thermal Beach Club project is part of the Kohl Ranch and lies approximately two miles south of the Jacqueline Cochrane Regional Airport in the unincorporated area of Thermal, Riverside County, California. The project will include residential housing and a lake with wave-making capabilities that will be used for recreational purposes. The County of Riverside Planning Department issued a permit for the site as originally proposed. Modifications to the planned lake prompted the County Airport Land Use Commission to request an evaluation of the final plans to determine if any hazards to aviation could be caused by wildlife that may be attracted to the site and recommendations for mitigation to minimize those hazards. Dr. DeFusco of BASH Inc. was contracted by Albert A. Webb Associates to conduct a Wildlife Hazard Site Visit in the manner described by the Federal Aviation Administration to evaluate the project and make recommendations for wildlife mitigation. Surveys of the property and surrounding areas were conducted in March 2019 to determine baseline habitat features as well as bird and other wildlife presence and their relative abundance. Species present in the area and their legal status were determined. Results indicated that the changes in the orientation and design of the lake would result in a decrease in potential attractiveness compared to the originally permitted plan. Mitigation measures directed at any wildlife would further diminish the potential attractiveness of the site. These measures include a comprehensive landscape plan, physical design of the water bodies, trash management, no wildlife feeding policies, and active harassment of birds or other wildlife using a variety of acoustic, visual, biological, and other dispersal techniques. Each of these are detailed for inclusion in a comprehensive, integrated Wildlife Mitigation/Management Plan for the property. Implementation of the plan by trained and equipped personnel as recommended will ensure bird and other wildlife risks to nearby aviation operations will be minimized if not eliminated at the project site.

**Wildlife Hazard Site Visit and Management Plan Review  
Thermal Beach Club  
Thermal, California  
March 2019**

**Introduction**

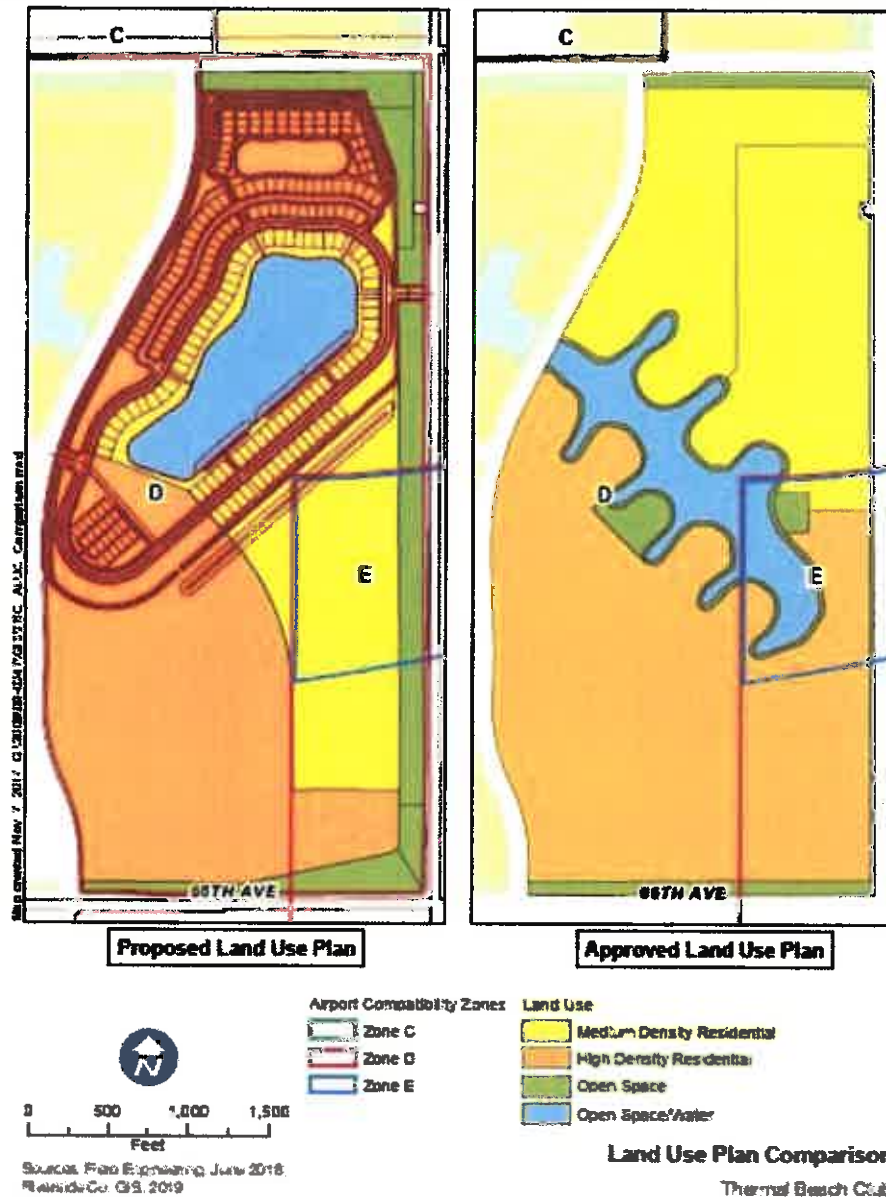
The Thermal Beach Club project is on a site that is part of the Kohl Ranch in Thermal, Riverside County, California. It lies approximately two miles south of the Jacqueline Cochrane Regional Airport (FAA identifier TRM) and as such must address any issues that could affect the safety of flight from the airport. The potential risks presented by wildlife with development of the site required consideration. The Thermal Beach Club lies within the Airport Influence Area (AIA) of TRM. Advisory guidance (see FAA 2007, CALTRANS 2011, ALUC 2018) and requirements of the permitting agency itself identify that waterbodies may be best suited elsewhere. However, the Riverside County Airport Land Use Commission (ALUC) issued conditions ultimately finding the Kohl Ranch consistent with the Jacqueline Cochran Regional Airport Land Use Plan. The County of Riverside Planning Department issued the Specific Plan 303, Amendment 4 permit to the Thermal Beach Club as presented (1999 and as variously amended through 2018). Whitestar Development has prepared a comprehensive Wildlife Mitigation/Management Plan to address the issue (see Appendix D). The ALUC requested an assessment of the plan and a review of wildlife hazards that could affect the flight operations at the nearby Jacqueline Cochrane Regional Airport. The ALUC approved a Wildlife Hazard Site Visit (WHSV) that could be performed over a single visit versus a full Wildlife Hazard Assessment (WHA) that requires 12 months of field studies in accordance with FAA guidelines. This document follows those guidelines as established in Federal Aviation Administration Advisory Circular (FAA AC) 150/5200-38: *“Protocol for the Conduct and Review of Wildlife Hazard Site Visits, Wildlife Hazard Assessments, and Wildlife Hazard Management Plans”* (FAA 2018). A full 12-month WHA was completed by the Jaqueline Cochrane Regional Airport under the same guidelines (TRM 2017). It is unknown whether the project underwent a similar assessment during the time it was originally proposed.

Dr. Russell DeFusco of BASH Incorporated was contracted by Albert A. Webb Associates to conduct the actual field work and prepare this report. The FAA requires anyone working on such projects on or in the vicinity of airports to be fully Qualified Airport Wildlife Biologists (QAWB) as specified in FAA AC 150/5200-36A *“Qualifications for Wildlife Biologists Conducting Wildlife Hazard Assessments and Training Curriculums for Airport Personnel Involved in Controlling Wildlife Hazards on Airports”* (FAA 2012). Dr. DeFusco is fully qualified under these provisions. The purpose of this assessment is to determine if the project could attract potentially hazardous wildlife that could adversely affect flight safety to nearby aircraft operations and to assist the developers in the implementation of wildlife management plan to ensure any potential hazards are mitigated.

- 1. Thermal Beach Club Site and Plans:** The Thermal Beach Club project covers approximately 239 acres of vacant land within the Kohl Ranch Specific Plan No. 303 located in the unincorporated area of Thermal, Riverside County, California. Development plans include a private residential community of permanent and vacation homes and a clubhouse to provide amenities to residents. A key feature of the community is a 20 acre lake with wave-making capabilities that will enable inland surfing and other activities, along with a 3 acre reservoir to hold irrigation water. The adopted Specific Plan for the site included a lake with complex shoreline that was very similar to the adjacent Kohl Ranch property to the west of the current proposed project. The project was approved in its initial configuration in 1999. The current plan changes the orientation and purpose of the lagoon, with wave-making capabilities and water treatments added (see figure 1). The property lies approximately two miles south of the Jaqueline Cochrane Regional Airport with its boundary approximately 10,800 feet from the end of Runway 17. Because it falls within the Airport Land Use Compatibility Plan Zones D and E with the edge of the property just contacting Zone C, wildlife mitigation is necessary to ensure no adverse effects on flight safety at the nearby airport and to meet ALUC guidelines. It should be noted that portion of the Project touching Zone C lies within the road right-of-way and only roadway improvements will be constructed; no vertical development will take place.

The current site is highly suitable to development of residences as it is nearly flat, with soils conducive to construction. The soils are highly saline and support some mixed native desert vegetation, but is primarily dominated by invasive tamarisk or salt cedar (*Tamarix ramosissima*). From a wildlife standpoint, the conditions are almost entirely benign as the habitat and sparse vegetation support very few species. Current conditions are not suitable for foraging and only provide marginal cover for some smaller songbirds and low densities of small mammals.

**Figure 1. Thermal Beach Club Project Land Use Plan and Previously Approved Plan with TRM Airport Influence Area Zones Depicted.**



**2. Jacqueline Cochrane Regional Airport:** The Jacqueline Cochrane Regional Airport (TRM) is an uncontrolled General Aviation airport open to the public and operates 24 hours a day. It has two runways; 17/35 and 12/30. It has several Fixed Based Operators (FBOs) including a jet training center. Forty four aircraft are based at the field including single engine aircraft, multi-engine aircraft, jet aircraft, helicopters, and ultralights. As of 2018, aircraft operations averaged 209 per day including 62% transient general aviation, 36% local general aviation, 1% military, and <1% air taxis (AirNav 2019). Aircraft operations have been increasing over the past several years and it is anticipated that this trend will continue in the future.



A total of 7 wildlife strikes have been reported and documented in the FAA Wildlife Strike Database (FAA 2019) for aircraft operating from TRM. All reported strikes occurred since 2002. Four of the seven strikes caused significant damage to the aircraft and are a high proportion of reported strikes when compared to other airports nationwide. One was caused by coyotes, one by a California Gull, and two by Canada Geese (see Appendix B). However, strike reporting rates for TRM are well below those observed for other airports of similar size and likely indicate a relatively lower risk compared to other locations, though it is unknown how many unreported strikes have been experienced there. Further, each of these strikes took place within the local area, including in the approach and departure airspace and one on the airport itself. It is not possible to determine the exact location of the strikes other than the one reported on landing roll at the airport. A brief interview with one of the lead instructor pilots at the jet training center indicated that bird strike risk is considered minimal by pilots operating from the airport.

### **Site Visit Protocol**

- 1. Document Review:** Relevant documents were provided by Webb Associates and Whitestar Development for review and included Riverside County Planning Department permits, maps, extensive site plans, engineering design, landscaping plans, descriptions of the surf lagoon operation, a wildlife mitigation plan, and others. Additional documents were obtained from the Riverside County Airport Land Use Commission, the Airport, and through internet research on FAA, ALUC, and other sources. Review of documents was conducted prior to, during, and after the site visit to determine history, current conditions, and future plans for the site.
- 2. Site Visit:** The Thermal Beach Club site and surrounding areas were visited by Dr. DeFusco on March 20-21, 2019. Timing of the visit was determined by scheduling and contracting timelines, but was fortuitous from a wildlife standpoint. While many of the larger birds such as waterfowl had already begun migrating, many still remained. Smaller songbirds were just beginning their spring migratory arrivals in the area and were representative of those passing through and resident in the vicinity of the project. Thus, a very good representation of avifauna in the area was present during the visit. Nevertheless, it must be emphasized that a short-term site visit cannot capture the full annual cycle of presence and abundance of species in the vicinity of the project and past experience and reliance on other data sources were necessary while conducting the review.

A tour of the project area and much of the Kohl Ranch was arranged by Mr. Tim Bradshaw and provided by Mr. Hector Rochin to begin the site survey. Unlimited access was granted for repeated unescorted visits to the facility during the survey period. Surveys of the surrounding areas were also

conducted to determine potential attractiveness to wildlife as the project will substantially alter the current environment. These surrounding area surveys were also essential as the project does not exist in a vacuum, but is part of a complex landscape that determines wildlife presence on a larger scale. Surveys focused on the immediate surrounding areas, primarily within five miles, but extended to the Salton Sea whose northern reaches are seven miles to the south and is the major landscape feature attracting a wide variety of species to, and passing through, the Coachella Valley. Other areas included the airport itself (only accessed in the public areas and viewed through perimeter fences), agricultural fields, suburban developments, recreational areas, and others potentially influencing wildlife presence in the valley. Also see Figure 2.

**Figure 2. Project location with 5-mile buffer.**



## **Results and Findings**

- 1. Species Observed:** One hundred eleven species of birds, and thirteen species of mammals, or their sign, were observed during the two day site visit. It must be emphasized that these observations are only a fraction of the over 400 bird species and dozens of mammal species recorded and documented in other sources for the Coachella Valley. A full listing of species observed during this site visit is included in Appendix A. Mammals are only listed as they can be a potential source of prey for predatory or scavenging birds in the area, but do not pose a direct threat to aircraft at the project site and would only be so if on the airport property itself. Reptiles were not included as they pose no issues in the context of this report. Observed species include those found on the Thermal Beach Club project site and in the surrounding areas. The current habitat conditions at the project site are such that very few birds or other wildlife species were observed there. The vast majority of species were found in the surrounding areas where more suitable habitat occurred, but would indicate presence in the vicinity, including migratory birds that pass through and overwinter in the Coachella Valley. Special consideration was given to observations on lakes, ponds, canals, and other water sources in the area, including on the adjacent Kohl Ranch parcel to the west, as these could indicate the potential to attract birds and other wildlife to the Thermal Beach Club lagoon when constructed. As required for a qualifying WHSV, the federal and state status of listed species as a subset of the total observation list is included in Table 1. Of the total species observed, none were listed as Federally Threatened or Endangered. However, virtually all are protected under the Migratory Bird Treaty Act and several species observed are afforded additional state-level protections as detailed in the table. Of those on the state list, the Northern Harrier, Cooper's Hawk, Black-tailed Gnatcatcher, Loggerhead Shrike, and Round-tailed Ground Squirrel were observed on the Thermal Beach Club Property development site during the site visit.

**Table 1: Federal and State-Listed Species Status**

<b><u>Common Name</u></b>	<b><u>Status</u></b>
Peregrine Falcon	Fully Protected State Species
Burrowing Owl	Species of Special Concern
Black-tailed Gnatcatcher	State Watch List
California Gull	State Watch List
Cooper's Hawk	State Watch List
Ferruginous Hawk	State Watch List
Savannah Sparrow	Species of Special Concern
Loggerhead Shrike	Species of Special Concern
Northern Harrier	Species of Special Concern
American Badger	Species of Special Concern
Round-tailed Ground Squirrel	Species of Special Concern

- 2. Water Bodies in the Vicinity of the Project:** There are numerous water bodies in the vicinity of the Thermal Beach Club project. They range in size from small intermittent puddles following rain events to the enormous Salton Sea to the south. Rivers, irrigation canals, stormwater detention/retention ponds, recreational lakes, landscaping features, a sewage treatment plant, and others exist throughout the area. Of particular note, and where some effort was spent to observe over the course of the visit, is the approximately 20 acre lake on the adjacent Kohl Ranch property immediately to the west of the current project. The Riverside County ALUC produced a brochure entitled "*Airports, Wildlife and Stormwater Management*" (Undated a) with guidelines that can be referenced and adapted to minimize attractiveness of water features near airports and may be applied to this project.

By far the most significant water feature in the entire Coachella Valley is the Salton Sea. It is the major attraction and determines the migratory route for birds each fall and spring and holds many thousands of wintering birds each year. The wetlands along its margins are extremely important to migratory, over-wintering, and resident birds including those that are potentially hazardous to aircraft operations such as waterfowl, gulls, pelicans, waders, shorebirds, and others. The presence of the Thermal Beach Club development will have no impact on these large-scale movement patterns. However, the Salton Sea has undergone significant recession in the recent past following extended periods of drought. The wetlands on its margins are most significantly affected and has forced birds to find other suitable places to forage, breed, and shelter. In the long term, it is unknown whether continued receding water levels will cause birds to short stop their migrations or continue further south into Mexico and the Sea of Cortez, or whether some of these birds will find other local water sources to meet their requirements. Restoration of the Salton Sea to historic water levels is planned but the schedule for such is unknown. Most birds remain on, in, or very close to the Salton Sea once they establish there. However, during the site visit it was noted that several very large flocks of gulls (primarily Ring-billed Gulls) would leave the Sea and forage in the agricultural fields and seek fresh water in the nearby area. None of these flocks were specifically noted near the Thermal Beach Club property as most remained two or more miles south of there, but it is possible that they could do so with the presence of a new freshwater lake. If so, dispersal methods could be used as detailed in the management plan to encourage them to move on.

Other water features in the area variously attracted birds in generally small numbers. An overall observation is that the larger, shallower water bodies,

and those that supported emergent vegetation contained the most birds. Small, steep-sided, or lined detention structures and canals were least attractive. Ring-billed Gulls were observed in and around the sewage treatment plant to the east of the project. Birds observed in some of the agricultural and stormwater detention ponds included gulls of mixed species, waterfowl of mixed species, coots, grebes, herons, egrets, ibises, and others. In ponds that held some shoreline or emergent vegetation, flocking birds such as Great-tailed Grackles, and Red-winged Blackbirds were observed in small numbers. In these same areas, raptors such as hawks and vultures were noted, also in small numbers. Songbirds such as Black-tailed Gnatcatchers, Marsh and Bewick's Wrens, Verdins, Song Sparrows, Loggerhead Shrikes, and others were also noted in pondside vegetation, but these species are of no concern to aviation safety.

The lake on the adjacent Kohl Ranch property was surveyed at various times during the visit as it is closest to the project and of similar size. The convoluted shoreline and dense emergent vegetation makes this impoundment particularly attractive to birds. Birds observed on the lake included Northern Shovelers, Green-winged Teal, American Coots, Ring-billed Gulls, Great Egrets, and a Great Blue Heron. All were in relatively small numbers with the coots being most numerous. Turkey Vultures were observed soaring over the lake during late morning and mid-day hours. One Cooper's Hawk, one Northern Harrier, and two Red-tailed Hawks were also observed flying over the property and lake. Each of these species could be considered hazardous and indicate the potential attractiveness of the Beach Club lagoon if it were not to be mitigated. Small songbirds including those listed above from other such water features, as well a small numbers of Abert's Towhees, Black Phoebes, Common Yellowthroats, Orange-crowned Warblers, and European Starlings, were also noted on the lake margins, though none except the starlings would be of concern, and then only when present in dense flocks. It must be noted that the approved Thermal Beach Club plan includes a lake of similar dimensions and shape. However, the updated plan changes the orientation of the lake, eliminates the convoluted shoreline, eliminates the shoreline vegetation, and implements a high-tech water treatment regime. The change in orientation will have no effect whatsoever on its potential attractiveness, but all the other measures in and of themselves will have a deterrent effect and make the facility much less attractive than the adjacent property lake or of many of those in the surrounding area. Also important is the fact that there are numerous other water features in the surrounding area, as birds deterred or dispersed from



the project site will have ample alternative sites in which to relocate. That would not be the case if this was the only available water in the area.

- 3. Agriculture in the Vicinity of the Project:** There are a variety of agricultural activities in the vicinity of the Thermal Beach Club project, including on the Kohl Ranch itself. These range from date palms, to row crops, to small-scale livestock operations. Each of these attract a variety of wildlife species including birds that can be hazards to aviation. Nearly every stage of operations can attract wildlife of various species, including plowing and field preparation, planting, harvesting, and transportation. Birds such as grackles and starlings were noted in several fields, gulls in others, and geese and ducks in still others. Farmers and ranchers were noted taking various measures to deter wildlife from ripening fruit and other crops. No such agricultural activity will take place at the project site and the developers have no control over these outside operations. However, the presence of agriculture in the surrounding landscape, and associated water systems as noted above, do contribute significantly to the presence and abundance of birds and other wildlife in the area and elevates populations beyond the natural background that would otherwise occur in the absence of such operations. Birds might be attracted to the project from nearby agricultural fields and must be deterred or dispersed when that might occur.
- 4. Community Development in the Vicinity of the Project:** There are several other community developments existing or planned in the area that can potentially affect local bird and other wildlife populations. Small-scale industry, suburban housing areas, and rural residences may attract birds to the structures themselves, but mostly due to landscaping features including non-native vegetation. Rock Pigeons, Eurasian Collared-Doves, European Starlings, House Sparrows, Common Ravens, American Crows, House Finches, and others were noted in such areas. In fact, the first four species listed are non-native and never occurred in the area prior to human settlement. Many other species would not occur in the absence of such landscaping and infrastructure. Any vegetation that produces food sources, shelter, or breeding sites can attract birds beyond those naturally present in the desert environment. Landscaping vegetation must be carefully selected in sensitive areas where airport operations may be affected. The Riverside County ALUC produced a brochure entitled "*Landscaping Near Airports*" (Undated b) that should be followed and will significantly assist in deterring birds and other wildlife that may be attracted to the project.

## **Recommendations**

- 1. Implement the Bird Mitigation/Management Plan:** The Thermal Beach Club developers plan to implement a Bird Mitigation/Management Plan as introduced above and included in Appendix D. It is thorough, comprehensive, and will significantly reduce any potential risks posed by hazardous species for aircraft operating from the airport as well as address possible human health, safety, and economic issues for the community itself. It should be implemented in full. The following sections expand on the specific passive and active measures listed in the plan to ensure procedures follow industry-stand best management practices as the plan is implemented.
  
- 2. Passive Control Measures:** Passive wildlife control measures are those that do not require the active participation of personnel once in place and on their own act to deter attractiveness. In general, these are grouped into habitat management, and exclusionary features and may include engineering design, construction, landscaping, and other physical features of the site. Overall, such provisions must be implemented for more active methods to be successful in the long term.
  - a. Physical Design and Management of the Surf Lagoon.** The updated plans for the 20 acre surf lagoon changed the orientation of the impoundment within the property boundary, but as mentioned above and depicted in Figure 1, the orientation itself will have no impact on its potential attractiveness. However, the significant change in shape and function will definitely reduce its attractiveness. The original plans were for a complex, convoluted shoreline with multiple coves and peninsulas and would have provided substantial shoreline cover for feeding and breeding areas for a variety of species. The updated design eliminates those coves and peninsulas and creates a much more open structure that is less attractive to all species of interest. Additionally, the elimination of all shoreline and emergent vegetation will significantly deter species that would have fed, bred, or taken shelter there. The high-tech water clarification system will essentially “sterilize” the water and virtually remove all organic matter that would otherwise form the base of a food chain that could have promoted zooplankton, macroinvertebrates, and the larger species that would feed on them. Even without intentional introduction, fish and amphibians (and therefore birds and other wildlife that would feed upon them) would have eventually found their way into the original planned lake, but it is unlikely that they could be supported in the new facility with the treatment regime in place. So long as the shoreline of the lagoon is maintained in sand or gravel and vegetation is prevented from growing along its margins, its attractiveness will remain minimal and will limit the possibility of introducing organic matter to the lagoon. Where possible, segments

of the shoreline slope should also be maintained as steeply as possible to limit shallow water access along its margins. With all these provisions in place, the only remaining potential attractant will be the fresh water itself as all other resources will be virtually eliminated.

It is understood that there will be several full-time staff dedicated to daily maintenance of the lagoon. Maintenance of equipment, cleaning of debris, and other duties will keep them occupied for many hours each day. Their presence and activity will act as a deterrent to any potentially hazardous birds that may attempt to enter the lagoon, particularly if personnel are equipped with active dispersal techniques as further described below. Additionally, the wave making process itself will create substantial disturbance of the surface water and will also act as a deterrent. Finally, the presence of residents and patrons using the facility, so long as they are not actively or unintentionally feeding birds, will add another level of disturbance at the facility.

- b. Physical Design and Management of the Irrigation Reservoir:** In addition to the recreational surf lagoon described above, there will also be a three acre reservoir that will hold water to maintain the surf lagoon. It is presumed that there is no recreational purpose for the reservoir, so management techniques are not dependent on aesthetic conditions. The plan details measures to eliminate weeds and other organic matter that would attract birds and floating fountains to maintain movement to prevent water stagnation. Additionally, landscaping around the reservoir will be maintained to discourage use. These measures will definitely act as deterrents to birds that may be attracted to the structure. Other measures should be adapted to further reduce attractiveness. The reservoir should be constructed with steep sides (minimum slope of 3:1), minimal surface area, and deep water. Concrete or other impervious liners should be considered to prevent vegetation growth along the margins. Water can be optionally treated chemically to eliminate weed and algae formation using copper sulfate or other sterilants. If not possible or permitted for use, then other standard water quality measures can be employed. Active harassment measures (as described below) should be employed as needed at the reservoir, as in the surf lagoon itself. These measures taken together should prevent birds from being attracted to the reservoir, but the addition of a UV-protected polypropylene shade cloth cover appears to be an additional requirement added to the ALUC recommendations in their revised permit dated October 2013. There is no doubt that this would virtually eliminate any possibility that birds would be attracted to the reservoir and has the added benefit of reducing evaporative water loss. In general the guidelines detailed in the ALUC brochure entitled

*"Airports, Wildlife and Stormwater Management"* should be followed (Undated a).

- c. **Landscape Plans:** The Bird Mitigation/Management Plan also specifies landscaping that would not attract birds to the property. It further stipulates that the Thermal Beach Club will be responsible for managing all landscaping and will ensure uniform compliance with guidelines established to prevent attracting nuisance birds. Selecting vegetation suitable for xeriscaped landscapes to ensure species adapted to local conditions and minimize necessity for irrigation is highly encouraged. Vegetation that produces seeds, fruits, or berries, or that will provide dense cover for nesting or roosting should be prohibited. The Riverside County ALUC published a brochure entitled *"Landscaping Near Airports"* (Undated b) that is an excellent resource in that it provides a suitable species list and general planting guidelines to limit birds and other wildlife. Following these guidelines and selecting vegetation species from the list will assure hazardous wildlife are minimized throughout the property.
  
  - d. **Trash and Food Management:** Many birds can be attracted to trash or food intentionally or unintentionally provided them. Other wildlife such as coyotes, mesomammals, or feral pets may access and expose trash or food items left unattended or in unprotected conditions. It is imperative that all household or industrial trash on site that contains organic material or food items be contained and covered at all times. Dumpsters and household trash containers must have lids that remain closed and cannot be breeched or opened by birds or other wildlife. It is also imperative that the surf lagoon concession and patrons using the beach club do not intentionally feed birds anywhere on site. It is recommended that signs be prominently placed in strategic locations around the lagoon and that a no feeding policy be strictly enforced. These provisions should also be a mandatory inclusion in the project covenants governing residents and their guests.
3. **Active Deterrent Measures:** Each of the measures described above are passive measures that will deter birds without constant or purposeful intervention. It is recognized that passive measures alone may on occasion require active measures to supplement their effects. The Thermal Beach Club Bird Mitigation/Management Plan specifies options that can be used to reinforce passive deterrents as needed and as further detailed below. These should be used in combination, but are arranged somewhat in order of priority. Also see Cleary and Dickey 2010, Belant and Martin 2011, and DeFusco and Unangst 2015 for much more detailed discussion of all the techniques described.

- a. **Trained and Equipped Personnel:** As mentioned above, several maintenance personnel will regularly be present on site to clean and maintain the surf lagoon. The mere presence of these individuals will act as a deterrent to birds as will residents and others using the facility for recreational purposes. Ensure that staff are further trained and equipped to disperse birds that may attempt to access the facility. In addition to maintenance staff, it is understood that contracted wildlife management professionals may be used as needed to supplement local staff. These professionals may bring their own equipment and techniques to the program and diverse, innovative strategies are always encouraged to add to the options available on site.
- b. **Sonic Devices:** Most bird harassment programs rest on a foundation of active dispersal techniques employing a variety of pyrotechnic devices that produce loud sounds and explosive visuals. It is recognized that these devices cannot be used in highly populated or urban areas and are not recommended at this location due to human disturbance and potential fire hazards. Therefore, alternative harassment techniques are needed. For this project, it is recommended that long-range hailing devices be used. These are essentially high-tech “bullhorns” that project high decibel sound pressures in a focused beam using parabolic speakers. Sound attenuates and can be perceived outside the central beam, but unless in the beam itself, sound levels are fairly innocuous. Commercial versions of these devices are available in small, hand-held applications and come with a variety of pre-programmed sounds specifically designed for bird dispersal. However, virtually any sound can be projected with these devices if desired. Generally, distress or alarm calls of the actual species targeted are most effective, though some species (such as waterfowl and raptors) do not possess these calls. Projected calls are effective over extreme ranges and have been tested at distances over one half mile. They are also effective on soaring raptors and other birds that may not respond to other standard techniques. Although there are likely others, two companies that produce these devices for bird control are the LRAD Corporation (for Long-Range Acoustic Device) ([www.lrad.com](http://www.lrad.com)) and Ultra Electronics Hyperspike ([www.Ultra-Hyperspike.com](http://www.Ultra-Hyperspike.com)). Each make a variety of models including small handheld versions suitable for this project. It is important to use these properly. They must only be used when birds are noted present or approaching the site, and then focused upon them to “herd” them away from the site. DO NOT USE CONTINUOUSLY in a static mount or orientation as habituation to the sounds will rapidly erode effectiveness and compromise all other methods.



- c. **Remote-controlled Devices:** Remote controlled devices such as aerial drones or boats can be effectively used to disperse birds that may be out of reach by other means. Used in combination with sonic devices, the visual disturbance and the sound they themselves generate can be highly deterrent to potentially hazardous species. They are particularly effective on flocking species such as waterfowl, gulls, shorebirds, blackbirds, grackles, and starlings as they may cause panic in the flock and encourage their departure. It is imperative that coordination with the airport be established before considering aerial drones as they may be prohibited at certain altitudes and distances from any active airport. Frequency interference and the obvious threat of collisions must be addressed before implementing these devices. There should be no reason to use these against birds at this location at altitudes that would conflict with aircraft, but prior coordination and approval is necessary.
  
- d. **Trained Dogs:** The Bird Mitigation/Management Plan lists specifically trained dogs as an option and these can certainly be effective. Dogs are most effective on larger and flocking birds such as geese, ducks, and gulls. Any of these birds found on the lagoon shoreline can effectively be dispersed, but if they become habituated, they may only retreat to the deep water where other techniques must be on hand to finish the harassment program. Dogs can be expensive to obtain, train, and maintain and may require local volunteers or contractors to effectively implement.
  
- e. **Trained Birds of Prey:** The Bird Mitigation/Management Plan lists specifically trained hawks or falcons as an option and these, like dogs, can certainly be effective. Potentially hazardous birds have evolved to fear airborne predators and virtually never habituate to their presence. They are most effective against small to medium sized flocking birds such as ducks, gulls, blackbirds, grackles, and starlings. However, falconry has even more limitations than do dogs. They are more expensive to obtain, train, and maintain. They cannot fly during inclement weather, in fog, in rain, in very high winds, at night, after they have fed, or while they are moulting. They also require special permits to obtain and use by specially trained handlers. This option would certainly require contracted effort and if used, should only be a part of a larger program as a supplement to other, more standard methods. The Thermal Beach Club developers have used such a contractor and have experience at other locations that may be used here for both bird control and the educational benefits such a program would promote.
  
- f. **Lasers:** The Bird Mitigation/Management Plan lists laser conditioning as an option for bird harassment and dispersal. While lasers can be effective, there are some limitations. They are most

effective on roosting birds in low light conditions. Gulls and waterfowl have been effectively deterred from such locations. Other methods should work to prevent these conditions from developing, but if needed, lasers could be used to supplement more standard techniques to move roosting birds from ground-level sites. As with remote aerial drones, it is imperative that coordination with the airport be conducted before considering the use of lasers. It is a federal offense to use lasers near airports if elevated above the horizon, used to illuminate aircraft, or pointed in pilot's eyes. Therefore, it is not recommended that these be used at this location unless highly restricted in their application.

- g. Removal of Nests:** Any nests that may be established on the property may be removed at any time when they are not actively occupied by brooding adults, eggs, chicks, or fledglings. Generally, nests are removed after nesting seasons to comply with federal and state law. Any active nests can only be removed under the conditions of specific permits, with the some exceptions granted for non-native species. Migratory Bird Treaty Act Federal Depredation Permits may be issued to deal with individual birds or their nests if they are found to compromise human health or safety and the Thermal Beach Club may consider obtaining these permits if other non-lethal methods fail.
- h. Lethal Control:** While the intent of this overall bird control program is to rely on non-lethal methods and those are most effective in the long-run, there may be exceptional circumstances where lethal control may be required. Generally, and for this site in particular, lethal control measures are not recommended until all non-lethal options have been exhausted. However, on rare occasion, an individual or group of birds or other wildlife habituates to other methods and must be permanently removed. Should this situation arise at this project, a Federal (and applicable state) depredation permit may be considered. All species listed under the Migratory Bird Treaty Act require depredation permits to lethally remove. There are certain provisions and exceptions granted for some species such as resident Canada Geese, blackbirds, grackles, cowbirds, magpies, and crows, as well as non-native species such as Rock Pigeons, House Sparrows, European Starlings, and Eurasian Collared-Doves that may require consideration. Whitestar Development has outlined many of the requirements in their management plan and can further implement this option if necessary in the future. If all other provisions of the plan and as outlined in this report are implemented, it is not anticipated that lethal control will be needed at this site.

## **Conclusion**

This report summarized the findings of the site visit to determine presence and abundance of birds that might be potentially attracted to the Thermal Beach Club and the program to deter their presence to minimize adverse impacts in the local area. Overall, results of this WHSV indicate a generally moderate risk of bird strikes to aircraft operating from the Jacqueline Cochrane Regional Airport on the overall landscape level. However, the potential is recognized as there are a large number and diverse mix of species that annually migrate through the region and overwinter on the Salton Sea and in surrounding areas. Some of these birds will certainly be attracted to any water features in the area including at the Thermal Beach Club site. An aggressive Bird Mitigation/Management Plan has been developed for the project and includes engineering design, landscaping, passive, and active deterrent measures that will minimize if not eliminate the potential risks not only to aircraft, but to human health and safety as well. Implementing the plan would ensure any added potential risks would be negligible at best in the overall landscape as it currently exists. With the implementation of their plan, and the slight modifications suggested herein, the Thermal Beach Club should be highly successful at mitigating any possible issues at the site.

## **Appendix A: Wildlife Observations in the Area Surrounding the Thermal Beach Club Property and Coachella Valley During the March 2019 WHSV\***

\*Note: These observations were made during the two day visit to the area on March 20-21, 2019 and are therefore not comprehensive. The list only represents a fraction of the over 400 species documented in the Coachella Valley and only during this seasonal timeframe. Other references should be used to supplement this list and more fully represent the presence and abundance of birds in the vicinity.

### **Birds:**

#### **Anseriformes - Waterfowl**

##### **Anatidae**

<b>Snow Goose</b>	<b><i>Chen caerulescens</i></b>
<b>Canada Goose</b>	<b><i>Branta canadensis</i></b>
<b>Blue-winged Teal</b>	<b><i>Anas discors</i></b>
<b>Cinnamon Teal</b>	<b><i>Anas cyanoptera</i></b>
<b>Green-winged Teal</b>	<b><i>Anas crecca</i></b>
<b>Northern Shoveler</b>	<b><i>Anas clypeata</i></b>
<b>Gadwall</b>	<b><i>Anas strepera</i></b>
<b>American Wigeon</b>	<b><i>Anas americana</i></b>
<b>Mallard</b>	<b><i>Anas platyrhynchos</i></b>
<b>Northern Pintail</b>	<b><i>Anas acuta</i></b>
<b>Redhead</b>	<b><i>Aythya americana</i></b>
<b>Lesser Scaup</b>	<b><i>Aythya affinis</i></b>
<b>Bufflehead</b>	<b><i>Bucephala albeola</i></b>
<b>Red-breasted Merganser</b>	<b><i>Mergus serrator</i></b>
<b>Ruddy Duck</b>	<b><i>Oxyura jamaicensis</i></b>

#### **Pelicaniformes - Pelicans, Cormorants, and Ibises**

##### **Pelicanidae**

<b>American White Pelican</b>	<b><i>Pelecanus erythrorhynchos</i></b>
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##### **Phalacrocoracidae**

<b>Double-crested Cormorant</b>	<b><i>Phalacrocorax auritus</i></b>
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##### **Threskionithidae**

<b>White-faced Ibis</b>	<b><i>Plegadis falcinellus</i></b>
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#### **Podicipediformes - Grebes**

##### **Podicipedidae**

<b>Pied-billed Grebe</b>	<b><i>Podilymbus podiceps</i></b>
<b>Horned Grebe</b>	<b><i>Podiceps auritus</i></b>
<b>Eared Grebe</b>	<b><i>Podiceps nigricollis</i></b>
<b>Western Grebe</b>	<b><i>Aechmophorus occidentalis</i></b>

#### **Falconiformes - Vultures, Hawks, and Falcons**

##### **Cathartidae**

<b>Turkey Vulture</b>	<b><i>Cathartes aura</i></b>
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##### **Accipitridae**

<b>Northern Harrier</b>	<b><i>Circus cyaneus</i></b>
<b>Cooper's Hawk</b>	<b><i>Accipiter cooperii</i></b>

Ferruginous Hawk  
Red-tailed Hawk  
Falconidae  
American Kestrel  
Merlin  
Peregrine Falcon

*Buteo regalis*  
*Buteo jamaicensis*

*Falco sparverius*  
*Falco columbarius*  
*Falco peregrinus*

**Galliformes - Upland Game Birds**

Odontophoridae  
Gambel's Quail

*Callipepla gambelii*

**Ciconiiformes - Herons and Egrets**

Ardeidae  
Black Crowned Night Heron  
Great Egret  
Great Blue Heron  
Snowy Egret  
Cattle Egret

*Nycticorax nycticorax*  
*Ardea alba*  
*Ardea herodias*  
*Egretta thula*  
*Bubulcus ibis*

**Gruiformes - Cranes and Allies**

Rallidae  
American Coot  
Virginia Rail

*Fulica americana*  
*Rallus limicola*

**Charadriiformes - Shorebirds and Gulls**

Recurvirostridae  
Black-necked Stilt  
American Avocet  
Charadriidae  
Black Bellied Plover  
Snowy Plover  
Semipalmated Plover  
Killdeer  
Scolopacidae  
Spotted Sandpiper  
Lesser Yellowlegs  
Willet  
Marbled Godwit  
Western Sandpiper  
Least Sandpiper  
Dunlin  
Long-billed Dowitcher

*Himantopus mexicanus*  
*Recurvirostra americana*

*Pluvialis squatarola*  
*Charadrius nivosus*  
*Charadrius semipalmatus*  
*Charadrius vociferus*

*Actitis macularius*  
*Tringa flavipes*  
*Catoptrophorus semipalmatus*  
*Limosa fedoa*  
*Calidris mauri*  
*Calidris minutilla*  
*Calidris alpina*  
*Limnodromus scolopaceus*

Laridae  
Bonaparte's Gull  
Herring Gull  
Ring-billed Gull  
California Gull  
Yellow-footed Gull  
Caspian Tern  
Forster's Tern

*Croicocephalus philadelphia*  
*Larus argentatus*  
*Larus delawarensis*  
*Larus californicus*  
*Larus livens*  
*Hydroprogne caspia*  
*Sterna forsteri*



**Cuculiformes – Cuckoos and Roadrunners**

**Cuculidae**

**Greater Roadrunner**

***Geococcyx californianus***

**Columbiformes - Pigeons and Doves**

**Columbidae**

**Rock Pigeon**

**Eurasian Collared-Dove**

**Mourning Dove**

**White-winged Dove**

**Common Ground Dove**

***Columba livia***

***Streptopelia decaocto***

***Zenaida macroura***

***Zenaida asiatica***

***Columbina passerina***

**Strigiformes - Owls**

**Strigidae**

**Barn Owl**

**Great Horned Owl**

**Burrowing Owl**

***Tyto alba***

***Bubo virginianus***

***Athene cunicularia***

**Caprimulgiformes - Nightjars**

**Caprimulgidae**

**Lesser Nighthawk**

***Chordeiles acutipennis***

**Apodiformes - Swifts and Hummingbirds**

**Apodidae**

**White-throated Swift**

***Aeronautes saxatalis***

**Trochilidae**

**Black-chinned Hummingbird**

**Anna's Hummingbird**

**Costa's Hummingbird**

***Archilocus alexandri***

***Calypte anna***

***Calypte costae***

**Coraciformes - Kingfishers**

**Alcedinidae**

**Belted Kingfisher**

***Megaceryle alcyon***

**Piciformes - Woodpeckers**

**Picidae**

**Ladder-backed Woodpecker**

***Dryobates scalaris***

**Passeriformes - Perching Birds**

**Tyrannidae**

**Western Kingbird**

**Black Phoebe**

**Say's Phoebe**

**Ptiliogonatidae**

**Phainopepla**

**Hirundinidae**

**Barn Swallow**

**Tree Swallow**

**Northern Rough-winged Swallow**

**Cliff Swallow**

***Tyrannus verticalis***

***Sayornis nigricans***

***Sayornis saya***

***Phainopepla nitens***

***Hirundo rustica***

***Tachycineta bicolor***

***Stelgidopteryx serripennis***

***Petrochelidon pyrrhonota***

<b>Corvidae</b>	
Common Raven	<i>Corvus corax</i>
American Crow	<i>Corvus brachyrhynchos</i>
<b>Alaudidae</b>	
Horned Lark	<i>Eremophila alpestris</i>
<b>Motacillidae</b>	
American Pipit	<i>Anthus rubescens</i>
<b>Turdidae</b>	
Western Bluebird	<i>Sialia mexicana</i>
American Robin	<i>Turdus migratorius</i>
<b>Sturnidae</b>	
European Starling	<i>Sturnus vulgaris</i>
<b>Mimidae</b>	
Northern Mockingbird	<i>Mimus polyglottos</i>
<b>Laniidae</b>	
Loggerhead Shrike	<i>Lanius ludovicianus</i>
<b>Remizidae</b>	
Verdin	<i>Auriparus flaviceps</i>
<b>Troglodytidae</b>	
House Wren	<i>Troglodytes aedon</i>
Marsh Wren	<i>Cistothorus palustris</i>
Bewick's Wren	<i>Thryomanes bewickii</i>
<b>Poliophtilidae</b>	
Black-tailed Gnatcatcher	<i>Poliophtila melanura</i>
<b>Parulidae</b>	
Orange Crowned Warbler	<i>Vermivora celata</i>
Common Yellowthroat	<i>Geothlypis trichas</i>
Yellow-rumped Warbler	<i>Setophaga coronata</i>
<b>Passerellidae</b>	
Abert's Towhee	<i>Melospiza aberti</i>
Savannah Sparrow	<i>Passercullus sandwichensis</i>
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>
Song Sparrow	<i>Melospiza melodia</i>
<b>Passeridae</b>	
House Sparrow	<i>Passer domesticus</i>
<b>Icteridae</b>	
Western Meadowlark	<i>Sturnella neglecta</i>
Red-winged Blackbird	<i>Agelaius phoeniceus</i>
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>
Brown-headed Cowbird	<i>Molothrus ater</i>
Great-tailed Grackle	<i>Quiscalus mexicanus</i>
<b>Fringillidae</b>	
Lesser Goldfinch	<i>Spinus psaltria</i>
House Finch	<i>Haemorhous mexicanus</i>

## **Mammals\*:**

\*Note: No specific mammal surveys such as trapping were conducted as part of this WHSV. Mammals at the Thermal Beach Club would not constitute a direct hazard to aviation at the Jacqueline Airport and therefore were not a focus of this review. Mammal and mammal sign (tracks, scat, burrows, bones) were noted incidental to other surveys conducted. This list represents only a small portion of those found in the region and may be supplemented with other data.

### **Carnivora**

#### **Canidae**

**Coyote**

**Domestic Dog**

***Canis latrans***

***Canis familiaris***

#### **Felidae**

**Feral Cat**

***Felis catus***

#### **Mephitidae**

**Striped Skunk**

***Mephitis mephitis***

#### **Mustelidae**

**Badger**

***Taxidea taxus***

### **Lagomorpha**

#### **Leporidae**

**Desert Cottontail**

**Black-tailed Jackrabbit**

***Sylvilagus auduboni***

***Lepus californicus***

### **Rodentia**

#### **Sciuridae**

**Round-tailed Ground Squirrel**

***Xerospermophilus tereticaudus***

#### **Geomyidae**

**Botta's Pocket Gopher**

***Thomomys bottae***

#### **Cricetidae**

**California Mouse**

***Peromyscus californicus***

**Bushy-tailed Wood Rat**

***Neotoma lepida***

**Appendix B: Wildlife Strikes Reported at the Jacqueline Cochrane Regional Airport (2002-present)**

<b>Date</b>	<b>Aircraft Type</b>	<b>Species</b>	<b>Time of Day</b>	<b>Damage</b>
4/16/2002	Hawker 800	Unknown Medium	Day	None
2/22/2004	GulfAero IV	Canada Geese	Dawn	Substantial
3/27/2006	MU-300	CA Gull	Day	Substantial
10/17/2013	C-340	Geese	Night	Substantial
3/31/2017	C-550	Unknown Large	Day	None
4/20/2018	Citation Jet	Coyote	Unknown	Minor
10/26/2018	PA-28	Unknown Small	Day	None

**Birds: Three reported to species level**

**Mammals: One reported to species level**

**Wildlife strikes not reported at a species level: Three**

## **Appendix C: References**

AirNav KTRM Jacqueline Cochrane Regional Airport.

<https://www.airnav.com/airport/KTRM>. Accessed March 27, 2019.

Belant, J. L. and J. A. Martin. 2011. ACRP Synthesis 23: Bird harassment, repellent, and deterrent techniques for use on and near airports, a synthesis of airport practice. Transportation Research Board of the National Academies, Washington, D.C.

CALTRANS. 2011. Airport Land Use Compatibility Handbook. California Department of Transportation, Division of Aeronautics. Sacramento, CA.

Cleary, E. C. and A. Dickey. 2010. ACRP Report 32: Guidebook for addressing aircraft/wildlife hazards at general aviation airports. Transportation Research Board of the National Academies, Washington, D.C.

County of Riverside Planning Department. 2018. The Kohl Ranch Specific Plan no. 303, Amendment 4. Albert A. Webb Associates. Riverside, CA.

DeFusco, R. P. and E. T. Unangst. 2013. ACRP Synthesis 39: Wildlife population management and control on airports. Transportation Research Board of the National Academies, Washington, D.C.

FAA. 2007. Advisory Circular 150/5200-33B Hazardous Wildlife Attractants on or near Airports. Federal Aviation Administration, Airport Safety and Standards. Washington D.C.

FAA. 2012. Advisory Circular 150/5200-36A Qualifications for Wildlife Biologist Conducting Wildlife Hazard Assessments and Training Curriculums for Airport Personnel Involved in Controlling Wildlife Hazards on Airports. Federal Aviation Administration, Airport Safety and Standards. Washington D.C.

FAA. 2018. Advisory Circular 150/5200-38 Protocol for the Conduct and Review of Wildlife Hazard Site Visits, Wildlife Hazard Assessments, and Wildlife Hazard Management Plans. Federal Aviation Administration, Airport Safety and Standards. Washington D.C.

FAA Wildlife Strike Database. <https://wildlife.faa.gov/>. Accessed March 28, 2019.

Riverside County Airport Land Use Commission. 2018. Wildlife Hazard Management at Riverside County Airports: Background and Policy. Mead and Hunt. Windsor, CA.



Riverside County Airport Land Use Commission. Undated a. Airports, Wildlife and Stormwater Management. Mead and Hunt. Windsor, CA.

Riverside County Airport Land Use Commission. Undated b. Landscaping Near Airports. Mead and Hunt. Windsor, CA.

TRM. 2017. Wildlife Hazard Assessment Report Jacqueline Cochrane Regional Airport Thermal, California. Mead and Hunt. Windsor CA.

**WHITESTAR DEVELOPMENT**  
**THERMAL BEACH CLUB**  
Bird Mitigation/Management Plan

**Project**

Thermal Beach Club (the “Project”) is located within the Kohl Ranch boundaries, approximately two to three miles south of Jacqueline Cochran Regional Airport. The Project consists of approximately 116 acres containing a private residential neighborhood surrounding one 3 acre reservoir and one 20 acre surfing lagoon. Located immediately next to the Thermal Beach Club project, and part of the Kohl Ranch, is an approximate 20 acre lake with no active bird mitigation plan.

**Major Components of Project**

- 3 Acre reservoir to be used for the delivery and retention of canal water for recreational use within the surf lagoon.
- 20 Acre Crystal Lagoon with surf technology. The surf lagoon will be used for recreational use by the residents and members of Thermal Beach Club. The lagoon will be capable of producing 6 waves per second with heights to seven feet.
- 116 Acres containing 362 Residential units ranging from 4-plexes to single family residences.
  - It is recognized that various architectural structures within the village and the community may provide opportunity for birds to nest and or loaf. Care will be taken in the design phase to minimize these areas as much as practical. In addition, Thermal Beach Club maintenance staff will work to ensure that any problem areas are addressed with measures that make it undesirable for birds to nest.
  - This area is further addressed in the *Implementation Section* of this plan.
- All landscaping in common area and residential unit yards (both front and back) installed and maintained by Thermal Beach Club.
- Village area providing the location for various private club amenities including clubhouse, pools, tennis, fitness center, restaurant, etc.
  - It is recognized that various architectural structures within the village and the community may provide opportunity for birds to nest and or loaf. Care will be taken in the design phase to minimize these areas as much as practical. In addition, Thermal Beach Club maintenance staff will work to ensure that any problem areas are address with measures that make in undesirable for birds to nest.
  - This area is further addressed in the *Implementation Section* of this plan.

The project will create job opportunities for at least 150 people within the first two years.

### **Purpose of Bird Mitigation Plan**

The purpose of a Bird Mitigation/Abatement program is:

- To reduce threats to human health and safety.
- To ensure the health and safety of the residents of Thermal Beach Club and the adjoining properties including Jacqueline Cochran Regional Airport.
- To mitigate the risk of bird strikes to aircraft on approach to and departure from Jacqueline Cochran Regional Airport.
- To reduce damage to property.
- To remove birds and or encourage birds to seek other locations safer and more desirable for their occupation.

Many species of birds that present hazards to aircraft including various waterfowl, California Gulls, pelicans, falcons, hawks and other birds exist in the proximity of the site as noted in Appendix A. This bird mitigation plan is designed to focus on all species of birds found in the proximity of the site to ensure the site stays free of all species of birds for both the safety of the members and risks to flight of aircraft.

Migratory geese, due to their size, present the most danger to aircraft on approach to and departure from Jacqueline Cochran Regional Airport. As noted below, there were six bird strikes at Jacqueline Cochran Regional Airport from 2002 to present. Three of the six strikes caused substantial damage the other three caused no damage. Of the three strikes causing damage, two were reported as Canada Geese and one was reported as a California Gull. Migratory geese may also create a health hazard to residents due to the large amounts of fecal matter that they leave behind. A single goose can weigh 12 pounds, eat up to four pounds of grass per day and create about three pounds of fecal matter per day. The average flock of geese can range from 25 to 100 geese. Just 25 geese can eat 100 pounds of grass and leave 75 pounds of fecal matter per day or 525 pounds per week. A flock of 100 geese can eat 400 pounds of grass and leave 300 pounds of fecal matter per day or 2,100 pounds of fecal matter per week. These numbers equate to significant property damage and some serious health concerns due to potential disease. For these reasons, Thermal Beach Club will maintain and implement this bird mitigation plan on a daily basis.

### **Bird Strikes**

Bird strikes reported in the Coachella Valley since 2002 relative to aircraft operations:

- Jacqueline Cochran Regional Airport:
  - 6 total birds strikes since 2002 (Appendix B)
  - 110,595 flight operations during 2018 (Appendix C)
- Palm Springs International:
  - 66 total bird strikes since 2002 (Appendix B)
  - 51,830 flight operations during 2018 (Appendix C)

As noted in Dr. DeFusco's report dated March 2019, page 4, bird strike reporting rates are well below that of other airports of similar size and are likely indicative of relatively lower risk of occurrence compared to other locations. Dr. DeFusco briefly interviewed one of the lead instructor pilots at the Jet Training Center who indicated that bird strike risk is considered minimal by pilots operating from the airport. Additionally, as identified in Dr. DeFusco's report

dated March 2019 page 7, there is an existing approximately 20 acre lake that is adjacent to the site that has not maintained a bird mitigation plan.

#### **Bird Mitigation/Depredation Methods:**

Bird Mitigation and Goose Depredation programs will follow all licensing requirements of the U.S. Fish & Wildlife Services, the Migratory Bird Treaty Act, and the California Department of Fish and Game. The program will utilize multiple methods of non-lethal abatement such as:

- Specially trained and equipped personnel.
- Specially trained dogs.
- Remote controlled devices.
- Use of Parabolic Speakers/Sound Hailing devices for bird harassment.
- Removal of nests will be by permit and within the legal limits of such permit.
- No feeding policy strictly enforced within community.
- Dedicated staff members that are part of the Thermal Beach Club landscape maintenance staff and lagoon cleaning/maintenance staff will receive training in bird mitigation tactics from a qualified airport wildlife biologist in accordance with FAA guidance. Minimum of 5 lagoon cleaning/maintenance staff will clean crystal lagoon 8 hours per day, 7 days per week.
- Migratory Bird Treaty Act Federal Depredation Permits will be maintained at all times by Thermal Beach Club.

#### **Implementation**

The mitigation plan will be implemented in full by using every method of deterrent, both passive and active, as needed. Thermal Beach Club landscape maintenance staff and lagoon cleaning/maintenance staff will be trained in proper maintenance and monitoring of all passive measures and may be trained in active measures such as the use of sonic devices. Staff will receive training from a qualified airport wildlife biologist in accordance with FAA guidance. Staff to be trained in the use of sonic devices for bird mitigation may receive additional training from wildlife management professional(s). Trained staff will be responsible for bird mitigation at all times while on duty. In addition to Thermal Beach Club trained staff performing bird mitigation measures, Thermal Beach Club will maintain a contract with a wildlife management professional(s) that possess the skills and equipment to provide bird mitigation services as needed to supplement Thermal Beach Clubs efforts.

#### **Passive Measures:**

- Trained and Equipped Thermal Beach Club Personnel
  - Five (5) to eight (8) lagoon cleaning techs will be on site daily, equipped to implement Thermal Beach Club passive bird mitigation strategies.
  - Two (2) to eight (8) landscape maintenance personnel will be on site daily equipped to implement Thermal Beach Club passive bird mitigation strategies.
- Physical Design of surf lagoon
  - Open structure without coves and peninsulas.
  - Depth of the water ranging from 1 to 16 feet with 85% of the lagoon depth of 3 feet or more.
  - Concrete lining around shoreline.
  - Mix of liner and concrete in all bottom areas of lagoon.

- Southeast edge of lagoon is concrete curb like structure which is perpendicular to the surface of the water and extends 16 feet below the surface of the water.
- 25-75 foot sand perimeter of lagoon will have no vegetation allowed and will be kept clean and free from organic material daily by lagoon cleaning/maintenance staff for health and safety of members and to deter birds by not allowing any areas for shelter, nesting or food.
- Water clarification system will treat water by removing all organic material that enters water as well as treating for bacteria, amoebas, and algae. No organic life will be able to live in the lagoon due to the clarification/treatment system.
- Water clarification system and condition of water are monitored 24 hours per day, 7 days per week by a remote telemetry system that treats the water 24/7 to ensure water is free from any organic material that might attract birds.
- Maintenance and cleaning of lagoon. Full time lagoon cleaning/maintenance staff of up to 8 will be cleaning the lagoon during daylight conditions all days of the week. This staffs presence and training in bird mitigation, will deter birds every day of the week during daylight hours.
- Activity of members using the lake for surfing, stand up paddle boarding, kayaking, swimming, etc. will deter birds from the lagoon. Use of the lagoon will be daily from sunrise to sunset.
- Physical Design of Irrigation Reservoir
  - Treated to reduce and or eliminate weeds and all organic matter that attracts birds by landscape maintenance staff.
  - Floating fountains will be installed in reservoir to maintain water movement to prevent stagnation. Stagnation allows for growth of organic material.
  - Landscaping surrounding the lagoon will be maintained by landscape maintenance staff to discourage nesting.
  - Perimeter will be impervious material with a minimum slope of 3:1
  - Water depth will be 5' or greater.
  - UV shade cloth covering the reservoir will be implemented.
- Landscape Plan
  - All landscape for the club common areas as well as the individual residences will be maintained by Thermal Beach Club landscaping maintenance staff ensure the proper planting and maintenance required to deter birds.
  - The beach area immediately surrounding the lagoon will be kept free of plant material by landscape maintenance staff.
  - All plant material will be chosen to eliminate nesting areas or attraction to nuisance birds. No plants producing seeds or fruit will be planted.
  - All plants or trees will be planted in a manner to not allow birds the ability to transfer tree to tree without being exposed to predators, wind, elements, etc.
  - All landscape will be maintained by landscape maintenance staff in accordance with standards such as the ALUC published brochure entitled "landscaping near airports", that prevent nesting and attraction of birds.
- Village Area/Restaurant/Bar/Food Management
  - No feeding of wildlife will be permitted. Signs will be present in key locations to remind members of no wildlife feeding policy. Food service staff will enforce no

- feeding policy and continually keep entire food service area, including the floor, free of sitting food and debris that would be attractive to birds.
- Special care in design will be used to minimize areas of attractiveness to birds.
  - All trash will be maintained in trash containers that close after use and cannot be opened by birds or other wildlife.
  - Daily janitorial duties by trained staff will ensure the site is free from food and trash that any member may have left behind.
  - Food refuse will be kept in covered trash containers in a location that will be difficult to be accessed by birds. The food containment areas will be kept clean regularly throughout each day.
  - Residential Area
    - Special care in design will be used to minimize areas of attractiveness to birds.
    - Landscaping will be installed and maintained by Thermal Beach Club landscape maintenance staff in accordance with this plan and the ALUC published brochure entitled “landscaping near airports”.
    - Problem areas will be addressed with measures that make it undesirable for birds to nest by landscape maintenance staff.
  - Trash
    - All homes within the project will be required to have trash containers that are closed/covered at all times in a manner that birds or other wildlife would not be able to open them.
    - All trash containers, residential, commercial, and industrial will have lids that force them to remain closed at all times.
    - Daily maintenance walks will be conducted by trained employees to recognize signs of bird occupancy in order to take action to harass the birds.
    - Daily janitorial duties by trained staff will ensure the site is free from food and trash that any member may have left behind.
    - Signs will be located strategically to ensure that members do not feed birds or leave food out.
  - Documentation and Covenants
    - Covenants, Conditions, and Restrictions will be used to enforce the provisions noted above.
    - Membership documents will be used to enforce the provisions noted above.

**Active Measures:**

- Trained and Equipped Personnel
  - Five (5) to eight (8) lagoon cleaning techs will be on site daily, will be trained and equipped to implement Thermal Beach Club active bird mitigation strategies with respect to the use of sonic devices.
  - Two (2) to eight (8) landscape maintenance personnel will be on site daily will be trained and equipped to implement Thermal Beach Club active bird mitigation strategies with respect to the use of sonic devices.
  - At all times, a contract with wildlife management professional(s) will be maintained and used to supplement Thermal Beach Club mitigation strategies and to implement active measures related to the use of dogs, legal control, nest removal, and sonic devices.



- **Sonic Devices**
  - Active dispersal will be done via long range hailing devices which project high decibel sound within a central beam that allows for the birds to be targeted without being disruptive to members. These devices can be effective up to ½ mile which will allow them to be effective across the lagoon from any location. These devices will be used by hand and only during the presence of birds.
- **Trained Dogs**
  - Trained dogs will also be utilized to disperse/harass birds in concert with all other methods of dispersion/harassment.
- **Nest Removal**
  - If any nests become established on the property, the nests will be removed in compliance with federal and state laws.
  - Migratory Bird Treaty Act Depredation Permits will be obtained and maintained by Thermal Beach Club in the event that all other non-lethal methods fail.
- **Lethal Control**
  - All non-lethal methods will be used to disperse birds before using lethal methods.
  - Migratory Bird Treaty Act Depredation Permits will be obtained and maintained by Thermal Beach Club in the event that all other non-lethal methods fail.

### **Responsibility, Frequency, and Coordination**

- **Responsibility**
  - Thermal Beach Club will permanently employ staff that will be responsible for the oversight of the bird mitigation plan.
  - There will be a minimum of 5 lagoon cleaning/maintenance staff that will be cleaning and maintaining the lagoon 7 days a week during daylight hours. These techs will be trained to implement the passive and active bird mitigation methods as identified in the *Implementation* section of this plan.
  - A full time landscape maintenance crew will be employed who will also be trained as identified in the *Implementation* section, to implement the passive and active bird mitigation methods as identified in the *Implementation* section of this plan.
- **Frequency**
  - Bird mitigation methods will be implemented and acted upon 7 days a week, as necessary, to insure the safety of the members and aircraft in flight; passive measures will be on going, while active measures will be implemented as necessary to support passive measures and to enhance safety.
- **Monitoring**
  - Thermal Beach Club staff responsible for bird mitigation plan will monitor the success of the plan by the number of birds present each week. Any changes in numbers of birds will require the assessment of effectiveness of the measures being used. As changes occur, other methods identified in this plan or by the maintenance crew and airport, will be used. In the event that all non-lethal methods have been used, lethal methods will be used in accordance of all applicable laws.
- **Coordination**
  - Thermal Beach Club will coordinate with airport manager on a monthly basis to compare wildlife observations and work together to minimize risk to flight. Input from the maintenance crew and airport can prompt tweaks to the program as needed.

### **Experience**

Whitestar Development/Whitestar Management has managed many communities throughout Coachella Valley representing thousands of homes and many artificial/man-made lakes for more than a decade. This bird mitigation and goose depredation program has been implemented and is currently in use throughout our portfolio. The success of the program has been achieved by the combination of landscape management, lake water quality management, and the use of the specific non-lethal abatement methods described above.

### **Professional Abatement Experience**

Whitestar has contracted with Winged Solutions for the abatement of multiple species of birds, including geese for many years. Winged Solutions is a specialist in non-lethal bird and goose abatement and is licensed by the U.S. Fish and Wildlife Services and the California Department of Fish and Game. Winged Solutions utilizes dogs, sonic devices, nest removal, and remote controlled devices to remove birds and keep birds away at all times. Winged solutions also keeps and active Migratory Depredation Permit with the U.S. Fish and Wildlife Service and complies with all Federal and State reporting requirements of the permit. Thermal Beach Club will contract with Winged Solutions or other professional wildlife experts to supplement its efforts in implementing this bird mitigation plan.

### **Existing Resort clients of Winged Solutions:**

- Renaissance Esmeralda
- Hyatt Grand Champions
- Indian Wells Golf Resort

### **Federal Law**

Migratory birds are protected under four bilateral migratory bird treaties the United States entered into with Great Britain (for Canada in 1916 as amended in 1999), the United Mexican States (1936 as amended in 1972 and 1999), Japan (1972 as amended in 1974), and the Soviet Union (1978). Regulations allowing the take of migratory birds are authorized by the Migratory Bird Treaty Act (16 U.S.C. 703-711), and the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712). The Migratory Bird Treaty Act (Act), which implements the above-mentioned treaties, provides that, subject to and to carry out the purposes of the treaties, the Secretary of the Interior is authorized and directed to determine when, to what extent, and by what means allowing hunting, killing, and other forms of taking of migratory birds, their nests, and eggs is compatible with the conventions.

On August 10, 2006, in the Federal Register (71 FR 45964), a final rule was published establishing regulations in 50 CFR parts 20 and 21 authorizing state wildlife agencies, private landowners, and airports to conduct (or allow) indirect and/or direct population control management activities, including the take of birds, on resident Canada Goose populations. It is the intention of the Thermal Beach Club bird mitigation program to use non-lethal methods of abatement for all species of birds that bring risks to the residents of Thermal Beach Club and to the surrounding properties including Jacqueline Cochran Regional Airport. In the event that non-lethal methods are not successful in removing an individual or group of birds, all federal permits will be obtained in order to lethally remove the individual or group of birds that has

otherwise not been removed through all other methods. All federal and state laws will be directly followed as it relates to the particular species of bird involved.

**FAA Regulations**

Thermal Beach Club will implement this bird mitigation plan and revise the plan when necessary in accordance with the guidance provided in the following FAA publications:

- CFR part 139.337 (Appendix C)
- FAA Advisory Circular 150/5200-33B (Appendix D)
- FAA Cert Alerts issued that may be applicable
- Reports prepared by the Airport Cooperative Research Program

**Contingency Plan**

In the very unlikely event that the Thermal Beach Club is not successful and the lagoon has been constructed and filled with water, Thermal Beach Club will cause the lagoon to be drained and maintained in a drained and dry state.

## Appendix A

## **Appendix A: Wildlife Observations in the Area Surrounding the Thermal Beach Club Property and Coachella Valley During the March 2019 WHSV\***

\*Note: These observations were made during the two day visit to the area on March 20-21, 2019 and are therefore not comprehensive. The list only represents a fraction of the over 400 species documented in the Coachella Valley and only during this seasonal timeframe. Other references should be used to supplement this list and more fully represent the presence and abundance of birds in the vicinity.

### **Birds:**

#### **Anseriformes - Waterfowl**

##### **Anatidae**

<b>Snow Goose</b>	<b><i>Chen caerulescens</i></b>
<b>Canada Goose</b>	<b><i>Branta canadensis</i></b>
<b>Blue-winged Teal</b>	<b><i>Anas discors</i></b>
<b>Cinnamon Teal</b>	<b><i>Anas cyanoptera</i></b>
<b>Green-winged Teal</b>	<b><i>Anas crecca</i></b>
<b>Northern Shoveler</b>	<b><i>Anas clypeata</i></b>
<b>Gadwall</b>	<b><i>Anas strepera</i></b>
<b>American Wigeon</b>	<b><i>Anas americana</i></b>
<b>Mallard</b>	<b><i>Anas platyrhynchos</i></b>
<b>Northern Pintail</b>	<b><i>Anas acuta</i></b>
<b>Redhead</b>	<b><i>Aythya americana</i></b>
<b>Lesser Scaup</b>	<b><i>Aythya affinis</i></b>
<b>Bufflehead</b>	<b><i>Bucephala albeola</i></b>
<b>Red-breasted Merganser</b>	<b><i>Mergus serrator</i></b>
<b>Ruddy Duck</b>	<b><i>Oxyura jamaicensis</i></b>

#### **Pelicaniformes - Pelicans, Cormorants, and Ibises**

##### **Pelicanidae**

<b>American White Pelican</b>	<b><i>Pelecanus erythrorhynchos</i></b>
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##### **Phalacrocoracidae**

<b>Double-crested Cormorant</b>	<b><i>Phalacrocorax auritus</i></b>
---------------------------------	-------------------------------------

##### **Threskionithidae**

<b>White-faced Ibis</b>	<b><i>Plegadis falcinellus</i></b>
-------------------------	------------------------------------

#### **Podicipediformes - Grebes**

##### **Podicipedidae**

<b>Pied-billed Grebe</b>	<b><i>Podilymbus podiceps</i></b>
<b>Horned Grebe</b>	<b><i>Podiceps auritus</i></b>
<b>Eared Grebe</b>	<b><i>Podiceps nigricollis</i></b>
<b>Western Grebe</b>	<b><i>Aechmophorus occidentalis</i></b>

#### **Falconiformes - Vultures, Hawks, and Falcons**

##### **Cathartidae**

<b>Turkey Vulture</b>	<b><i>Cathartes aura</i></b>
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##### **Accipitridae**

<b>Northern Harrier</b>	<b><i>Circus cyaneus</i></b>
<b>Cooper's Hawk</b>	<b><i>Accipiter cooperii</i></b>

Ferruginous Hawk  
Red-tailed Hawk  
Falconidae  
American Kestrel  
Merlin  
Peregrine Falcon

*Buteo regalis*  
*Buteo jamaicensis*  
  
*Falco sparverius*  
*Falco columbarius*  
*Falco peregrinus*

**Galliformes - Upland Game Birds**

Odontophoridae  
Gambel's Quail

*Callipepla gambelii*

**Ciconiiformes - Herons and Egrets**

Ardeidae  
Black Crowned Night Heron  
Great Egret  
Great Blue Heron  
Snowy Egret  
Cattle Egret

*Nycticorax nycticorax*  
*Ardea alba*  
*Ardea herodias*  
*Egretta thula*  
*Bubulcus ibis*

**Gruiformes - Cranes and Allies**

Rallidae  
American Coot  
Virginia Rail

*Fulica americana*  
*Rallus limicola*

**Charadriiformes - Shorebirds and Gulls**

Recurvirostridae  
Black-necked Stilt  
American Avocet  
Charadriidae  
Black Bellied Plover  
Snowy Plover  
Semipalmated Plover  
Killdeer  
Scolopacidae  
Spotted Sandpiper  
Lesser Yellowlegs  
Willet  
Marbled Godwit  
Western Sandpiper  
Least Sandpiper  
Dunlin  
Long-billed Dowitcher

*Himantopus mexicanus*  
*Recurvirostra americana*  
  
*Pluvialis squatarola*  
*Charadrius nivosus*  
*Charadrius semipalmatus*  
*Charadrius vociferus*  
  
*Actitis macularius*  
*Tringa flavipes*  
*Catoptrophorus semipalmatus*  
*Limosa fedoa*  
*Calidris mauri*  
*Calidris minutilla*  
*Calidris alpina*  
*Limnodromus scolopaceus*

Laridae  
Bonaparte's Gull  
Herring Gull  
Ring-billed Gull  
California Gull  
Yellow-footed Gull  
Caspian Tern  
Forster's Tern

*Croicocephalus philadelphia*  
*Larus argentatus*  
*Larus delawarensis*  
*Larus californicus*  
*Larus livens*  
*Hydroprogne caspia*  
*Sterna forsteri*



**Cuculiformes – Cuckoos and Roadrunners**

**Cuculidae**

**Greater Roadrunner**

***Geococcyx californianus***

**Columbiformes - Pigeons and Doves**

**Columbidae**

**Rock Pigeon**

**Eurasian Collared-Dove**

**Mourning Dove**

**White-winged Dove**

**Common Ground Dove**

***Columba livia***

***Streptopelia decaocto***

***Zenaida macroura***

***Zenaida asiatica***

***Columbina passerina***

**Strigiformes - Owls**

**Strigidae**

**Barn Owl**

**Great Horned Owl**

**Burrowing Owl**

***Tyto alba***

***Bubo virginianus***

***Athene cunicularia***

**Caprimulgiformes - Nightjars**

**Caprimulgidae**

**Lesser Nighthawk**

***Chordeiles acutipennis***

**Apodiformes - Swifts and Hummingbirds**

**Apodidae**

**White-throated Swift**

***Aeronautes saxatalis***

**Trochilidae**

**Black-chinned Hummingbird**

**Anna's Hummingbird**

**Costa's Hummingbird**

***Archilocus alexandri***

***Calypte anna***

***Calypte costae***

**Coraciformes - Kingfishers**

**Alcedinidae**

**Belted Kingfisher**

***Megaceryle alcyon***

**Piciformes - Woodpeckers**

**Picidae**

**Ladder-backed Woodpecker**

***Dryobates scalaris***

**Passeriformes - Perching Birds**

**Tyrannidae**

**Western Kingbird**

**Black Phoebe**

**Say's Phoebe**

**Ptiliognatidae**

**Phainopepla**

**Hirundinidae**

**Barn Swallow**

**Tree Swallow**

**Northern Rough-winged Swallow**

**Cliff Swallow**

***Tyrannus verticalis***

***Sayornis nigricans***

***Sayornis saya***

***Phainopepla nitens***

***Hirundo rustica***

***Tachycineta bicolor***

***Stelgidopteryx serripennis***

***Petrochelidon pyrrhonota***

<b>Corvidae</b>	
Common Raven	<i>Corvus corax</i>
American Crow	<i>Corvus brachyrhynchos</i>
<b>Alaudidae</b>	
Horned Lark	<i>Eremophila alpestris</i>
<b>Motacillidae</b>	
American Pipit	<i>Anthus rubescens</i>
<b>Turdidae</b>	
Western Bluebird	<i>Sialia mexicana</i>
American Robin	<i>Turdus migratorius</i>
<b>Sturnidae</b>	
European Starling	<i>Sturnus vulgaris</i>
<b>Mimidae</b>	
Northern Mockingbird	<i>Mimus polyglottos</i>
<b>Laniidae</b>	
Loggerhead Shrike	<i>Lanius ludovicianus</i>
<b>Remizidae</b>	
Verdin	<i>Auriparus flaviceps</i>
<b>Troglodytidae</b>	
House Wren	<i>Troglodytes aedon</i>
Marsh Wren	<i>Cistothorus palustris</i>
Bewick's Wren	<i>Thryomanes bewickii</i>
<b>Poliophtilidae</b>	
Black-tailed Gnatcatcher	<i>Poliophtila melanura</i>
<b>Parulidae</b>	
Orange Crowned Warbler	<i>Vermivora celata</i>
Common Yellowthroat	<i>Geothlypis trichas</i>
Yellow-rumped Warbler	<i>Setophaga coronata</i>
<b>Passerellidae</b>	
Abert's Towhee	<i>Melospiza aberti</i>
Savannah Sparrow	<i>Passercullus sandwichensis</i>
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>
Song Sparrow	<i>Melospiza melodia</i>
<b>Passeridae</b>	
House Sparrow	<i>Passer domesticus</i>
<b>Icteridae</b>	
Western Meadowlark	<i>Sturnella neglecta</i>
Red-winged Blackbird	<i>Agelaius phoeniceus</i>
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>
Brown-headed Cowbird	<i>Molothrus ater</i>
Great-tailed Grackle	<i>Quiscalus mexicanus</i>
<b>Fringillidae</b>	
Lesser Goldfinch	<i>Spinus psaltria</i>
House Finch	<i>Haemorhous mexicanus</i>

## Appendix B

	A	B	C	D
1	INCIDENT_D/ AIRPORT		ATYPE	SPECIES
2	10/26/2018	JACQUELINE COCHRAN REGIONAL ARPT	PA-28	Unknown bird - small
3	4/20/2018	JACQUELINE COCHRAN REGIONAL ARPT	CITATIONJET	Coyote
4	3/31/2017	JACQUELINE COCHRAN REGIONAL ARPT	C-550	Unknown bird - large
5	10/17/2013	JACQUELINE COCHRAN REGIONAL ARPT	C-340	Geese
6	3/27/2006	JACQUELINE COCHRAN REGIONAL ARPT	MU-300	California gull
7	2/22/2004	JACQUELINE COCHRAN REGIONAL ARPT	GULFAERO IV	Canada goose
8	4/16/2002	JACQUELINE COCHRAN REGIONAL ARPT	HAWKER 800	Unknown bird - medium

Aircraft Operations per Airnav.com -- 303/day - 110,595/yr

	A	B	C	D
1	INCIDENT_DATE	AIRPORT	ATYPE	SPECIES
2	2/16/2019	PALM SPRINGS INTL	BE-300 KING	Unknown bird
3	11/21/2018	PALM SPRINGS INTL	B-737-900	Unknown bird
4	9/28/2018	PALM SPRINGS INTL	CRJ100/200	Unknown bird
5	9/19/2018	PALM SPRINGS INTL	A-321	Pacific-slope flycatcher
6	7/20/2018	PALM SPRINGS INTL	B-737-800	Barn owl
7	6/18/2018	PALM SPRINGS INTL	CRJ900	Hawks
8	5/1/2018	PALM SPRINGS INTL	B-737-800	Unknown bird
9	2/18/2018	PALM SPRINGS INTL	CRJ100/200	Unknown bird - small
10	10/28/2017	PALM SPRINGS INTL	B-737-800	Unknown bird
11	10/13/2017	PALM SPRINGS INTL	CRJ700	Unknown bird
12	10/5/2017	PALM SPRINGS INTL	UNKNOWN	American kestrel
13	9/6/2017	PALM SPRINGS INTL	A-320	Unknown bird
14	9/5/2017	PALM SPRINGS INTL	CRJ100/200	American kestrel
15	7/20/2017	PALM SPRINGS INTL	CRJ700	Unknown bird
16	3/9/2017	PALM SPRINGS INTL	GULFAERO IV	Unknown bird - small
17	12/30/2016	PALM SPRINGS INTL	B-737-800	Unknown bird
18	6/11/2016	PALM SPRINGS INTL	B-737-900	Unknown bird
19	4/27/2016	PALM SPRINGS INTL	B-737-700	Unknown bird
20	4/25/2015	PALM SPRINGS INTL	B-737-400	Unknown bird - small
21	1/25/2015	PALM SPRINGS INTL	CRJ100/200	Mourning dove
22	11/30/2014	PALM SPRINGS INTL	B-737-800	Unknown bird
23	11/18/2014	PALM SPRINGS INTL	CIRRUS SR 20/22	Prairie falcon
24	10/16/2014	PALM SPRINGS INTL	A-320	Unknown bird - small
25	7/2/2014	PALM SPRINGS INTL	C-310	Gulls
26	4/2/2014	PALM SPRINGS INTL	PA-34 SENECA	Unknown bird
27	3/26/2014	PALM SPRINGS INTL	CITATIONJET	Unknown bird
28	3/3/2014	PALM SPRINGS INTL	B-737-800	Unknown bird
29	9/13/2013	PALM SPRINGS INTL	CRJ100/200	Unknown bird
30	2/17/2013	PALM SPRINGS INTL	MD-83	Unknown bird - small
31	1/30/2013	PALM SPRINGS INTL	A-320	Burrowing owl
32	11/6/2012	PALM SPRINGS INTL	MD-83	Unknown bird
33	9/11/2012	PALM SPRINGS INTL	MD-82	Unknown bird
34	2/26/2012	PALM SPRINGS INTL	CL-601/604	Unknown bird
35	2/6/2012	PALM SPRINGS INTL	CRJ100/200	Coyote
36	12/4/2011	PALM SPRINGS INTL	MD-83	Unknown bird - small
37	8/19/2011	PALM SPRINGS INTL	DHC8 DASH 8	Coyote
38	12/23/2010	PALM SPRINGS INTL	C-560	Unknown bird
39	9/5/2010	PALM SPRINGS INTL	CRJ100/200	Unknown bird
40	9/1/2010	PALM SPRINGS INTL	EMB-120	Microbats
41	7/13/2010	PALM SPRINGS INTL	MD-82	Unknown bird
42	7/13/2010	PALM SPRINGS INTL	MD-82	Mourning dove
43	7/2/2010	PALM SPRINGS INTL	UNKNOWN	Tyrant (New World) flycatchers
44	10/17/2009	PALM SPRINGS INTL	CRJ100/200	Unknown bird - medium
45	8/8/2009	PALM SPRINGS INTL	EMB-120	Unknown bird - small
46	7/8/2009	PALM SPRINGS INTL	CANADAIR	American kestrel
47	3/21/2009	PALM SPRINGS INTL	B-737-700	Unknown bird - small

	A	B	C	D
48	2/10/2009	PALM SPRINGS INTL	B-737-400	Unknown bird - small
49	12/9/2008	PALM SPRINGS INTL	EMB-120	Unknown bird - medium
50	8/2/2008	PALM SPRINGS INTL	MD-83	Unknown bird - medium
51	9/26/2007	PALM SPRINGS INTL	CRJ100/200	Unknown bird - small
52	5/24/2007	PALM SPRINGS INTL	CRJ100/200	Unknown bird - medium
53	3/23/2007	PALM SPRINGS INTL	C-560	Unknown bird - medium
54	7/12/2006	PALM SPRINGS INTL	CRJ100/200	Unknown bird - medium
55	5/7/2006	PALM SPRINGS INTL	CRJ900	Unknown bird - medium
56	3/14/2006	PALM SPRINGS INTL	MD-82	Unknown bird - small
57	2/20/2006	PALM SPRINGS INTL	CRJ900	Unknown bird - medium
58	10/22/2005	PALM SPRINGS INTL	EMB-120	Prairie falcon
59	10/11/2005	PALM SPRINGS INTL	UNKNOWN	American kestrel
60	2/12/2005	PALM SPRINGS INTL	UNKNOWN	California gull
61	7/1/2004	PALM SPRINGS INTL	UNKNOWN	American kestrel
62	11/18/2003	PALM SPRINGS INTL	UNKNOWN	Mourning dove
63	11/12/2003	PALM SPRINGS INTL	UNKNOWN	Western grebe
64	5/19/2002	PALM SPRINGS INTL	MD-82	Unknown bird - small
65	3/9/2002	PALM SPRINGS INTL	SAAB-340	Rabbits

Aircraft Operations per Airnav.com -- 142/day - 51,830/yr



## Appendix C

Dimensions: 4995 x 100 ft. / 1522 x 30 m

Surface: asphalt, in good condition

Weight bearing capacity: Single wheel: 20.0

Runway edge lights: medium intensity

**RUNWAY 12**

Latitude: 33-37.810327N

Longitude: 116-10.258390W

Elevation: -115.5 ft.

Traffic pattern: left

Runway heading: 122 magnetic, 135 true

Markings: basic, in good condition

Visual slope indicator: 2-light PAPI on left  
(3.00 degrees glide path)

Runway end identifier lights: no

Touchdown point: yes, no lights

**RUNWAY 30**

33-37.227757N

116-09.562407W

-130.7 ft.

left

302 magnetic, 315 true

nonprecision, in good condition

2-light PAPI on left  
(3.00 degrees glide path)

no

yes, no lights

SKC FM200400 33010KT P6SM SKC  
FM200900 VRB05KT P6SM SKC**NOTAMs**

Click for the latest **NOTAMs**  
 NOTAMs are issued by the DoD/FAA and  
 will open in a separate window not controlled  
 by AirNav.

**Airport Ownership and Management from official FAA records**

Ownership: Publicly-owned

Owner: COUNTY OF RIVERSIDE  
 3403 10TH STREET, SUITE 400  
 RIVERSIDE, CA 92501  
 Phone 951-955-8916

Manager: LILIANA VALLE  
 3403 10TH STREET, SUITE 400  
 RIVERSIDE, CA 92501  
 Phone (951) 955-9418

**Airport Operational Statistics**

Aircraft based on the field: 20	Aircraft operations: avg 303/day *
Single engine airplanes: 10	62% transient general aviation
Multi engine airplanes: 3	36% local general aviation
Jet airplanes: 1	1% military
Helicopters: 1	<1% air taxi
Ultralights: 5	* for 12-month period ending 31 December 2018

**Additional Remarks**

- SOFT GND OFF RWY PAVEMENT.

**Instrument Procedures**

NOTE: All procedures below are presented as PDF files. If you need a reader for these files, you should [download](#) the free Adobe Reader.

**NOT FOR NAVIGATION.** Please procure official charts for flight.  
 FAA instrument procedures published for use from 23 May 2019 at 0901Z to 20 June 2019 at 0900Z.

**STARs - Standard Terminal Arrivals**

Manager: THOMAS P NOLAN, AAE  
 3400 E. TAHQUITZ-CANYON WAY, SUITE OFC  
 PALM SPRINGS, CA 92262  
 Phone 760-318-3800  
 STEVE BOWSER, DEPUTY DIRECTOR (760) 318-3845,  
 STEVE.BOWSER@PALMSPRINGS-CA.GOV

## Airport Operational Statistics

Aircraft based on the field: 92	Aircraft operations: avg 142/day *
Single engine airplanes: 62	37% commercial
Multi engine airplanes: 9	34% transient general aviation
Jet airplanes: 14	20% air taxi
Helicopters: 5	6% local general aviation
Ultralights: 2	3% military

\* for 12-month period ending 31 December 2017

## Additional Remarks

A58- RISING TERRAIN N OF APCH END OF RWY 13R.

13R

A57- APCH RATIO 50:1 TO DSPLCD THR.

31L

A57- APCH RATIO 50:1 TO DSPLCD THR.

13R

- ACCESS TO/FROM FBO RAMP VIA TWY G LMTD TO ACFT WITH WINGSPAN OF LESS THAN 40 FT.
- LENGTHY ENG IDLING AND RUN-UPS ON RAMP AREA PROHIBITED. CTC ARPT OPS 760-318-3820 FOR NOISE MEDIATION PROCEDURES.
- RWY 13L/31R LGTD DIST RMNG MKRS ON E SIDE ONLY. RWY 13R/31L LGTD DIST RMNG MKRS ON W SIDE ONLY.
- DO NOT MISTAKE CENTER TWY (TWY C) AS RWY 13R/31L.
- NOISE SENSITIVE AREA ALL QUADRANTS; EXERCISE QUIET FLT PROCEDURES. FOR FURTHER INFO CTC DUTY SUPERVISOR (760) 318-3820.
- RWY 13R DESIGNATED CALM WIND RWY.
- NO FORMATION LDGS OR TAKEOFFS OR OVERHEAD MANEUVERS

## Instrument Procedures

NOTE: All procedures below are presented as PDF files. If you need a reader for these files, you should [download](#) the free Adobe Reader.

**NOT FOR NAVIGATION.** Please procure official charts for flight.

FAA instrument procedures published for use from 23 May 2019 at 0901Z to 20 June 2019 at 0900Z.

### STARs - Standard Terminal Arrivals

CLOWD ONE

[download](#) (249KB)

SBONO ONE

[download](#) (260KB)

SIZLR THREE (RNAV)

[download](#) (212KB)

### IAPs - Instrument Approach Procedures

RNAV (RNP) Y RWY 31L

[download](#) (351KB)

RNAV (RNP) Z RWY 13R

[download](#) (339KB)

VOR OR GPS-B

[download](#) (297KB)

NOTE: Special Alternate Minimums apply

[download](#) (18KB)

## Appendix D



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

# Advisory Circular

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**Subject: HAZARDOUS WILDLIFE  
ATTRACTANTS ON OR NEAR  
AIRPORTS**

**Date: 8/28/2007**

**AC No: 150/5200-33B**

**Initiated by: AAS-300 Change:**

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1. **PURPOSE.** This Advisory Circular (AC) provides guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. It also discusses airport development projects (including airport construction, expansion, and renovation) affecting aircraft movement near hazardous wildlife attractants. Appendix 1 provides definitions of terms used in this AC.

2. **APPLICABILITY.** The Federal Aviation Administration (FAA) recommends that public-use airport operators implement the standards and practices contained in this AC. The holders of Airport Operating Certificates issued under Title 14, Code of Federal Regulations (CFR), Part 139, Certification of Airports, Subpart D (Part 139), may use the standards, practices, and recommendations contained in this AC to comply with the wildlife hazard management requirements of Part 139. Airports that have received Federal grant-in-aid assistance must use these standards. The FAA also recommends the guidance in this AC for land-use planners, operators of non-certificated airports, and developers of projects, facilities, and activities on or near airports.

3. **CANCELLATION.** This AC cancels AC 150/5200-33A, *Hazardous Wildlife Attractants on or near Airports*, dated July 27, 2004.

4. **PRINCIPAL CHANGES.** This AC contains the following major changes, which are marked with vertical bars in the margin:

- a. Technical changes to paragraph references.
- b. Wording on storm water detention ponds.
- c. Deleted paragraph 4-3.b, *Additional Coordination*.

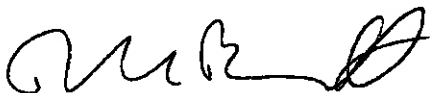
5. **BACKGROUND.** Information about the risks posed to aircraft by certain wildlife species has increased a great deal in recent years. Improved reporting, studies, documentation, and statistics clearly show that aircraft collisions with birds and other wildlife are a serious economic and public safety problem. While many species of wildlife can pose a threat to aircraft safety, they are not equally hazardous. Table 1

ranks the wildlife groups commonly involved in damaging strikes in the United States according to their relative hazard to aircraft. The ranking is based on the 47,212 records in the FAA National Wildlife Strike Database for the years 1990 through 2003. These hazard rankings, in conjunction with site-specific Wildlife Hazards Assessments (WHA), will help airport operators determine the relative abundance and use patterns of wildlife species and help focus hazardous wildlife management efforts on those species most likely to cause problems at an airport.

Most public-use airports have large tracts of open, undeveloped land that provide added margins of safety and noise mitigation. These areas can also present potential hazards to aviation if they encourage wildlife to enter an airport's approach or departure airspace or air operations area (AOA). Constructed or natural areas—such as poorly drained locations, detention/retention ponds, roosting habitats on buildings, landscaping, odor-causing rotting organic matter (putrescible waste) disposal operations, wastewater treatment plants, agricultural or aquaculture activities, surface mining, or wetlands—can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. Even small facilities, such as fast food restaurants, taxicab staging areas, rental car facilities, aircraft viewing areas, and public parks, can produce substantial attractions for hazardous wildlife.

During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives worldwide, as well as billions of dollars in aircraft damage. Hazardous wildlife attractants on and near airports can jeopardize future airport expansion, making proper community land-use planning essential. This AC provides airport operators and those parties with whom they cooperate with the guidance they need to assess and address potentially hazardous wildlife attractants when locating new facilities and implementing certain land-use practices on or near public-use airports.

**6. MEMORANDUM OF AGREEMENT BETWEEN FEDERAL RESOURCE AGENCIES.** The FAA, the U.S. Air Force, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture - Wildlife Services signed a Memorandum of Agreement (MOA) in July 2003 to acknowledge their respective missions in protecting aviation from wildlife hazards. Through the MOA, the agencies established procedures necessary to coordinate their missions to address more effectively existing and future environmental conditions contributing to collisions between wildlife and aircraft (wildlife strikes) throughout the United States. These efforts are intended to minimize wildlife risks to aviation and human safety while protecting the Nation's valuable environmental resources.



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Table 1. Ranking of 25 species groups as to relative hazard to aircraft (1=most hazardous) based on three criteria (damage, major damage, and effect-on-flight), a composite ranking based on all three rankings, and a relative hazard score. Data were derived from the FAA National Wildlife Strike Database, January 1990–April 2003.<sup>1</sup>

Species group	Ranking by criteria			Composite ranking <sup>2</sup>	Relative hazard score <sup>3</sup>
	Damage <sup>4</sup>	Major damage <sup>5</sup>	Effect on flight <sup>6</sup>		
Deer	1	1	1	1	100
Vultures	2	2	2	2	64
Geese	3	3	6	3	55
Cormorants/pelicans	4	5	3	4	54
Cranes	7	6	4	5	47
Eagles	6	9	7	6	41
Ducks	5	8	10	7	39
Osprey	8	4	8	8	39
Turkey/pheasants	9	7	11	9	33
Hérons	11	14	9	10	27
Hawks (buteos)	10	12	12	11	25
Gulls	12	11	13	12	24
Rock pigeon	13	10	14	13	23
Owls	14	13	20	14	23
H. lark/s. bunting	18	15	15	15	17
Crows/ravens	15	16	16	16	16
Coyote	16	19	5	17	14
Mourning dove	17	17	17	18	14
Shorebirds	19	21	18	19	10
Blackbirds/starling	20	22	19	20	10
American kestrel	21	18	21	21	9
Meadowlarks	22	20	22	22	7
Swallows	24	23	24	23	4
Sparrows	25	24	23	24	4
Nighthawks	23	25	25	25	1

<sup>1</sup> Excerpted from the *Special Report for the FAA, "Ranking the Hazard Level of Wildlife Species to Civil Aviation in the USA: Update #1, July 2, 2003"*. Refer to this report for additional explanations of criteria and method of ranking.

<sup>2</sup> Relative rank of each species group was compared with every other group for the three variables, placing the species group with the greatest hazard rank for  $\geq 2$  of the 3 variables above the next highest ranked group, then proceeding down the list.

<sup>3</sup> Percentage values, from Tables 3 and 4 in Footnote 1 of the *Special Report*, for the three criteria were summed and scaled down from 100, with 100 as the score for the species group with the maximum summed values and the greatest potential hazard to aircraft.

<sup>4</sup> Aircraft incurred at least some damage (destroyed, substantial, minor, or unknown) from strike.

<sup>5</sup> Aircraft incurred damage or structural failure, which adversely affected the structure strength, performance, or flight characteristics, and which would normally require major repair or replacement of the affected component, or the damage sustained makes it inadvisable to restore aircraft to airworthy condition.

<sup>6</sup> Aborted takeoff, engine shutdown, precautionary landing, or other.



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## Table of Contents

SECTION 1. GENERAL SEPARATION CRITERIA FOR HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS.....	1
1-1. INTRODUCTION.....	1
1-2. AIRPORTS SERVING PISTON-POWERED AIRCRAFT.....	1
1-3. AIRPORTS SERVING TURBINE-POWERED AIRCRAFT.....	1
1-4. PROTECTION OF APPROACH, DEPARTURE, AND CIRCLING AIRSPACE.....	1
SECTION 2. LAND-USE PRACTICES ON OR NEAR AIRPORTS THAT POTENTIALLY ATTRACT HAZARDOUS WILDLIFE.....	3
2-1. GENERAL.....	3
2-2. WASTE DISPOSAL OPERATIONS.....	3
2-3. WATER MANAGEMENT FACILITIES.....	5
2-4. WETLANDS.....	8
2-5. DREDGE SPOIL CONTAINMENT AREAS.....	9
2-6. AGRICULTURAL ACTIVITIES.....	9
2-7. GOLF COURSES, LANDSCAPING AND OTHER LAND-USE CONSIDERATIONS.....	10
2-8. SYNERGISTIC EFFECTS OF SURROUNDING LAND USES.....	11
SECTION 3. PROCEDURES FOR WILDLIFE HAZARD MANAGEMENT BY OPERATORS OF PUBLIC-USE AIRPORTS.....	13
3-1. INTRODUCTION.....	13
3-2. COORDINATION WITH USDA WILDLIFE SERVICES OR OTHER QUALIFIED WILDLIFE DAMAGE MANAGEMENT BIOLOGISTS.....	13
3-3. WILDLIFE HAZARD MANAGEMENT AT AIRPORTS: A MANUAL FOR AIRPORT PERSONNEL.....	13
3-4. WILDLIFE HAZARD ASSESSMENTS, TITLE 14, CODE OF FEDERAL REGULATIONS, PART 139.....	13
3-5. WILDLIFE HAZARD MANAGEMENT PLAN (WHMP).....	14
3-6. LOCAL COORDINATION.....	14
3-7. COORDINATION/NOTIFICATION OF AIRMEN OF WILDLIFE HAZARDS.....	14
SECTION 4. FAA NOTIFICATION AND REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS.....	15
4-1. FAA REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS.....	15
4-2. WASTE MANAGEMENT FACILITIES.....	15
4-3. OTHER LAND-USE PRACTICE CHANGES.....	16
APPENDIX 1. DEFINITIONS OF TERMS USED IN THIS ADVISORY CIRCULAR.....	19

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## **SECTION 1.**

### **GENERAL SEPARATION CRITERIA FOR HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS.**

**1-1. INTRODUCTION.** When considering proposed land uses, airport operators, local planners, and developers must take into account whether the proposed land uses, including new development projects, will increase wildlife hazards. Land-use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife strikes.

The FAA recommends the minimum separation criteria outlined below for land-use practices that attract hazardous wildlife to the vicinity of airports. Please note that FAA criteria include land uses that cause movement of hazardous wildlife onto, into, or across the airport's approach or departure airspace or air operations area (AOA). (See the discussion of the synergistic effects of surrounding land uses in Section 2-8 of this AC.)

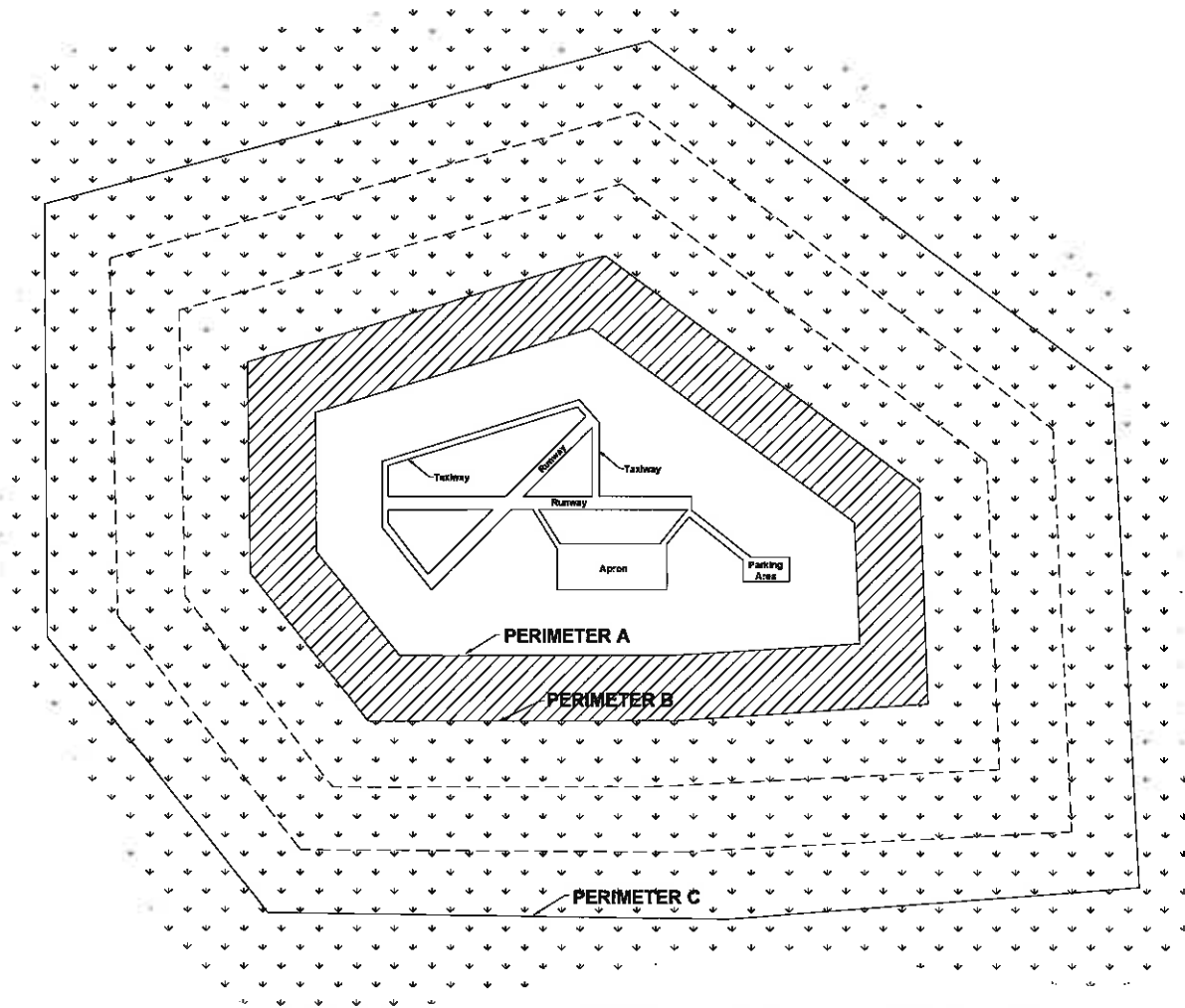
The basis for the separation criteria contained in this section can be found in existing FAA regulations. The separation distances are based on (1) flight patterns of piston-powered aircraft and turbine-powered aircraft, (2) the altitude at which most strikes happen (78 percent occur under 1,000 feet and 90 percent occur under 3,000 feet above ground level), and (3) National Transportation Safety Board (NTSB) recommendations.

**1-2. AIRPORTS SERVING PISTON-POWERED AIRCRAFT.** Airports that do not sell Jet-A fuel normally serve piston-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 5,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance measured from the nearest aircraft operations areas.

**1-3. AIRPORTS SERVING TURBINE-POWERED AIRCRAFT.** Airports selling Jet-A fuel normally serve turbine-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 10,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance from the nearest aircraft movement areas.

**1-4. PROTECTION OF APPROACH, DEPARTURE, AND CIRCLING AIRSPACE.** For all airports, the FAA recommends a distance of 5 statute miles between the farthest edge of the airport's AOA and the hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace.

Figure 1. Separation distances within which hazardous wildlife attractants should be avoided, eliminated, or mitigated.



**PERIMETER A:** For airports serving piston-powered aircraft, hazardous wildlife attractants must be 5,000 feet from the nearest air operations area.

**PERIMETER B:** For airports serving turbine-powered aircraft, hazardous wildlife attractants must be 10,000 feet from the nearest air operations area.

**PERIMETER C:** 5-mile range to protect approach, departure and circling airspace.

## SECTION 2.

### LAND-USE PRACTICES ON OR NEAR AIRPORTS THAT POTENTIALLY ATTRACT HAZARDOUS WILDLIFE.

**2-1. GENERAL.** The wildlife species and the size of the populations attracted to the airport environment vary considerably, depending on several factors, including land-use practices on or near the airport. This section discusses land-use practices having the potential to attract hazardous wildlife and threaten aviation safety. In addition to the specific considerations outlined below, airport operators should refer to *Wildlife Hazard Management at Airports*, prepared by FAA and U.S. Department of Agriculture (USDA) staff. (This manual is available in English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: <http://wildlife-mitigation.tc.FAA.gov>.) And, *Prevention and Control of Wildlife Damage*, compiled by the University of Nebraska Cooperative Extension Division. (This manual is available online in a periodically updated version at: [ianrwww.unl.edu/wildlife/solutions/handbook/](http://ianrwww.unl.edu/wildlife/solutions/handbook/).)

**2-2. WASTE DISPOSAL OPERATIONS.** Municipal solid waste landfills (MSWLF) are known to attract large numbers of hazardous wildlife, particularly birds. Because of this, these operations, when located within the separations identified in the siting criteria in Sections 1-2 through 1-4, are considered incompatible with safe airport operations.

**a. Siting for new municipal solid waste landfills subject to AIR 21.** Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) (AIR 21) prohibits the construction or establishment of a new MSWLF within 6 statute miles of certain public-use airports. Before these prohibitions apply, both the airport and the landfill must meet the very specific conditions described below. These restrictions do not apply to airports or landfills located within the state of Alaska.

The airport must (1) have received a Federal grant(s) under 49 U.S.C. § 47101, et. seq.; (2) be under control of a public agency; (3) serve some scheduled air carrier operations conducted in aircraft with less than 60 seats; and (4) have total annual enplanements consisting of at least 51 percent of scheduled air carrier enplanements conducted in aircraft with less than 60 passenger seats.

The proposed MSWLF must (1) be within 6 miles of the airport, as measured from airport property line to MSWLF property line, and (2) have started construction or establishment on or after April 5, 2001. Public Law 106-181 only limits the construction or establishment of some new MSWLF. It does not limit the expansion, either vertical or horizontal, of existing landfills.

NOTE: Consult the most recent version of AC 150/5200-34, *Construction or Establishment of Landfills Near Public Airports*, for a more detailed discussion of these restrictions.

- b. **Siting for new MSWLF not subject to AIR 21.** If an airport and MSWLF do not meet the restrictions of Public Law 106-181, the FAA recommends against locating MSWLF within the separation distances identified in Sections 1-2 through 1-4. The separation distances should be measured from the closest point of the airport's AOA to the closest planned MSWLF cell.
- c. **Considerations for existing waste disposal facilities within the limits of separation criteria.** The FAA recommends against airport development projects that would increase the number of aircraft operations or accommodate larger or faster aircraft near MSWLF operations located within the separations identified in Sections 1-2 through 1-4. In addition, in accordance with 40 CFR 258.10, owners or operators of existing MSWLF units that are located within the separations listed in Sections 1-2 through 1-4 must demonstrate that the unit is designed and operated so it does not pose a bird hazard to aircraft. (See Section 4-2(b) of this AC for a discussion of this demonstration requirement.)
- d. **Enclosed trash transfer stations.** Enclosed waste-handling facilities that receive garbage behind closed doors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles generally are compatible with safe airport operations, provided they are not located on airport property or within the Runway Protection Zone (RPZ). These facilities should not handle or store putrescible waste outside or in a partially enclosed structure accessible to hazardous wildlife. Trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations. The FAA considers these facilities incompatible with safe airport operations if they are located closer than the separation distances specified in Sections 1-2 through 1-4.
- e. **Composting operations on or near airport property.** Composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches) generally do not attract hazardous wildlife. Sewage sludge, woodchips, and similar material are not municipal solid wastes and may be used as compost bulking agents. The compost, however, must never include food or other municipal solid waste. Composting operations should not be located on airport property. Off-airport property composting operations should be located no closer than the greater of the following distances: 1,200 feet from any AOA or the distance called for by airport design requirements (see AC 150/5300-13, *Airport Design*). This spacing should prevent material, personnel, or equipment from penetrating any Object Free Area (OFA), Obstacle Free Zone (OFZ), Threshold Siting Surface (TSS), or Clearway. Airport operators should monitor composting operations located in proximity to the airport to ensure that steam or thermal rise does not adversely affect air traffic. On-airport disposal of compost by-products should not be conducted for the reasons stated in 2-3f.



- f. **Underwater waste discharges.** The FAA recommends against the underwater discharge of any food waste (e.g., fish processing offal) within the separations identified in Sections 1-2 through 1-4 because it could attract scavenging hazardous wildlife.
- g. **Recycling centers.** Recycling centers that accept previously sorted non-food items, such as glass, newspaper, cardboard, or aluminum, are, in most cases, not attractive to hazardous wildlife and are acceptable.
- h. **Construction and demolition (C&D) debris facilities.** C&D landfills do not generally attract hazardous wildlife and are acceptable if maintained in an orderly manner, admit no putrescible waste, and are not co-located with other waste disposal operations. However, C&D landfills have similar visual and operational characteristics to putrescible waste disposal sites. When co-located with putrescible waste disposal operations, C&D landfills are more likely to attract hazardous wildlife because of the similarities between these disposal facilities. Therefore, a C&D landfill co-located with another waste disposal operation should be located outside of the separations identified in Sections 1-2 through 1-4.
- i. **Fly ash disposal.** The incinerated residue from resource recovery power/heat-generating facilities that are fired by municipal solid waste, coal, or wood is generally not a wildlife attractant because it no longer contains putrescible matter. Landfills accepting only fly ash are generally not considered to be wildlife attractants and are acceptable as long as they are maintained in an orderly manner, admit no putrescible waste of any kind, and are not co-located with other disposal operations that attract hazardous wildlife.

Since varying degrees of waste consumption are associated with general incineration (not resource recovery power/heat-generating facilities), the FAA considers the ash from general incinerators a regular waste disposal by-product and, therefore, a hazardous wildlife attractant if disposed of within the separation criteria outlined in Sections 1-2 through 1-4.

**2-3. WATER MANAGEMENT FACILITIES.** Drinking water intake and treatment facilities, storm water and wastewater treatment facilities, associated retention and settling ponds, ponds built for recreational use, and ponds that result from mining activities often attract large numbers of potentially hazardous wildlife. To prevent wildlife hazards, land-use developers and airport operators may need to develop management plans, in compliance with local and state regulations, to support the operation of storm water management facilities on or near all public-use airports to ensure a safe airport environment.

- a. **Existing storm water management facilities.** On-airport storm water management facilities allow the quick removal of surface water, including discharges related to aircraft deicing, from impervious surfaces, such as pavement and terminal/hangar building roofs. Existing on-airport detention ponds collect storm water, protect water quality, and control runoff. Because they slowly release water

after storms, they create standing bodies of water that can attract hazardous wildlife. Where the airport has developed a Wildlife Hazard Management Plan (WHMP) in accordance with Part 139, the FAA requires immediate correction of any wildlife hazards arising from existing storm water facilities located on or near airports, using appropriate wildlife hazard mitigation techniques. Airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.

Where possible, airport operators should modify storm water detention ponds to allow a maximum 48-hour detention period for the design storm. The FAA recommends that airport operators avoid or remove retention ponds and detention ponds featuring dead storage to eliminate standing water. Detention basins should remain totally dry between rainfalls. Where constant flow of water is anticipated through the basin, or where any portion of the basin bottom may remain wet, the detention facility should include a concrete or paved pad and/or ditch/swale in the bottom to prevent vegetation that may provide nesting habitat.

When it is not possible to drain a large detention pond completely, airport operators may use physical barriers, such as bird balls, wires grids, pillows, or netting, to deter birds and other hazardous wildlife. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office.

The FAA recommends that airport operators encourage off-airport storm water treatment facility operators to incorporate appropriate wildlife hazard mitigation techniques into storm water treatment facility operating practices when their facility is located within the separation criteria specified in Sections 1-2 through 1-4.

- b. New storm water management facilities.** The FAA strongly recommends that off-airport storm water management systems located within the separations identified in Sections 1-2 through 1-4 be designed and operated so as not to create above-ground standing water. Stormwater detention ponds should be designed, engineered, constructed, and maintained for a maximum 48-hour detention period after the design storm and remain completely dry between storms. To facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lined, narrow, linearly shaped water detention basins. When it is not possible to place these ponds away from an airport's AOA, airport operators should use physical barriers, such as bird balls, wires grids, pillows, or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office. All vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated. If soil conditions and other requirements allow, the FAA encourages

the use of underground storm water infiltration systems, such as French drains or buried rock fields, because they are less attractive to wildlife.

- c. **Existing wastewater treatment facilities.** The FAA strongly recommends that airport operators immediately correct any wildlife hazards arising from existing wastewater treatment facilities located on or near the airport. Where required, a WHMP developed in accordance with Part 139 will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should encourage wastewater treatment facility operators to incorporate measures, developed in consultation with a wildlife damage management biologist, to minimize hazardous wildlife attractants. Airport operators should also encourage those wastewater treatment facility operators to incorporate these mitigation techniques into their standard operating practices. In addition, airport operators should consider the existence of wastewater treatment facilities when evaluating proposed sites for new airport development projects and avoid such sites when practicable.
- d. **New wastewater treatment facilities.** The FAA strongly recommends against the construction of new wastewater treatment facilities or associated settling ponds within the separations identified in Sections 1-2 through 1-4. Appendix 1 defines wastewater treatment facility as “any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes.” The definition includes any pretreatment involving the reduction of the amount of pollutants or the elimination of pollutants prior to introducing such pollutants into a publicly owned treatment works (wastewater treatment facility). During the site-location analysis for wastewater treatment facilities, developers should consider the potential to attract hazardous wildlife if an airport is in the vicinity of the proposed site, and airport operators should voice their opposition to such facilities if they are in proximity to the airport.
- e. **Artificial marshes.** In warmer climates, wastewater treatment facilities sometimes employ artificial marshes and use submergent and emergent aquatic vegetation as natural filters. These artificial marshes may be used by some species of flocking birds, such as blackbirds and waterfowl, for breeding or roosting activities. The FAA strongly recommends against establishing artificial marshes within the separations identified in Sections 1-2 through 1-4.
- f. **Wastewater discharge and sludge disposal.** The FAA recommends against the discharge of wastewater or sludge on airport property because it may improve soil moisture and quality on unpaved areas and lead to improved turf growth that can be an attractive food source for many species of animals. Also, the turf requires more frequent mowing, which in turn may mutilate or flush insects or small animals and produce straw, both of which can attract hazardous wildlife. In addition, the improved turf may attract grazing wildlife, such as deer and geese. Problems may also occur when discharges saturate unpaved airport areas. The resultant soft, muddy conditions can severely restrict or prevent emergency vehicles from reaching accident sites in a timely manner.

**2-4. WETLANDS.** Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many which rank high on the list of hazardous wildlife species (Table 1).

**NOTE:** If questions exist as to whether an area qualifies as a wetland, contact the local division of the U.S. Army Corps of Engineers, the Natural Resources Conservation Service, or a wetland consultant qualified to delineate wetlands.

- a. **Existing wetlands on or near airport property.** If wetlands are located on or near airport property, airport operators should be alert to any wildlife use or habitat changes in these areas that could affect safe aircraft operations. At public-use airports, the FAA recommends immediately correcting, in cooperation with local, state, and Federal regulatory agencies, any wildlife hazards arising from existing wetlands located on or near airports. Where required, a WHMP will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.
- b. **New airport development.** Whenever possible, the FAA recommends locating new airports using the separations from wetlands identified in Sections 1-2 through 1-4. Where alternative sites are not practicable, or when airport operators are expanding an existing airport into or near wetlands, a wildlife damage management biologist, in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the state wildlife management agency should evaluate the wildlife hazards and prepare a WHMP that indicates methods of minimizing the hazards.
- c. **Mitigation for wetland impacts from airport projects.** Wetland mitigation may be necessary when unavoidable wetland disturbances result from new airport development projects or projects required to correct wildlife hazards from wetlands. Wetland mitigation must be designed so it does not create a wildlife hazard. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4.
  - (1) **Onsite mitigation of wetland functions.** The FAA may consider exceptions to locating mitigation activities outside the separations identified in Sections 1-2 through 1-4 if the affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water recharge, which cannot be replicated when moved to a different location. Using existing airport property is sometimes the only feasible way to achieve the mitigation ratios mandated in regulatory orders and/or settlement agreements with the resource agencies. Conservation easements are an additional means of providing mitigation for project impacts. Typically the airport operator continues to own the property, and an easement is created stipulating that the property will be maintained as habitat for state or Federally listed species.

Mitigation must not inhibit the airport operator's ability to effectively control hazardous wildlife on or near the mitigation site or effectively maintain other aspects of safe airport operations. Enhancing such mitigation areas to attract hazardous wildlife must be avoided. The FAA will review any onsite mitigation proposals to determine compatibility with safe airport operations. A wildlife damage management biologist should evaluate any wetland mitigation projects that are needed to protect unique wetland functions and that must be located in the separation criteria in Sections 1-2 through 1-4 before the mitigation is implemented. A WHMP should be developed to reduce the wildlife hazards.

**(2) Offsite mitigation of wetland functions.** The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4 unless they provide unique functions that must remain onsite (see 2-4c(1)). Agencies that regulate impacts to or around wetlands recognize that it may be necessary to split wetland functions in mitigation schemes. Therefore, regulatory agencies may, under certain circumstances, allow portions of mitigation to take place in different locations.

**(3) Mitigation banking.** Wetland mitigation banking is the creation or restoration of wetlands in order to provide mitigation credits that can be used to offset permitted wetland losses. Mitigation banking benefits wetland resources by providing advance replacement for permitted wetland losses; consolidating small projects into larger, better-designed and managed units; and encouraging integration of wetland mitigation projects with watershed planning. This last benefit is most helpful for airport projects, as wetland impacts mitigated outside of the separations identified in Sections 1-2 through 1-4 can still be located within the same watershed. Wetland mitigation banks meeting the separation criteria offer an ecologically sound approach to mitigation in these situations. Airport operators should work with local watershed management agencies or organizations to develop mitigation banking for wetland impacts on airport property.

**2-5. DREDGE SPOIL CONTAINMENT AREAS.** The FAA recommends against locating dredge spoil containment areas (also known as Confined Disposal Facilities) within the separations identified in Sections 1-2 through 1-4 if the containment area or the spoils contain material that would attract hazardous wildlife.

**2-6. AGRICULTURAL ACTIVITIES.** Because most, if not all, agricultural crops can attract hazardous wildlife during some phase of production, the FAA recommends against the used of airport property for agricultural production, including hay crops, within the separations identified in Sections 1-2 through 1-4. . If the airport has no financial alternative to agricultural crops to produce income necessary to maintain the viability of the airport, then the airport shall follow the crop distance guidelines listed in the table titled "Minimum Distances between Certain Airport Features and Any On-Airport Agricultural Crops" found in AC 150/5300-13, *Airport Design*, Appendix 17. The cost of wildlife control and potential accidents should be weighed against the income produced by the on-airport crops when deciding whether to allow crops on the airport.

- a. **Livestock production.** Confined livestock operations (i.e., feedlots, dairy operations, hog or chicken production facilities, or egg laying operations) often attract flocking birds, such as starlings, that pose a hazard to aviation. Therefore, The FAA recommends against such facilities within the separations identified in Sections 1-2 through 1-4. Any livestock operation within these separations should have a program developed to reduce the attractiveness of the site to species that are hazardous to aviation safety. Free-ranging livestock must not be grazed on airport property because the animals may wander onto the AOA. Furthermore, livestock feed, water, and manure may attract birds.
- b. **Aquaculture.** Aquaculture activities (i.e. catfish or trout production) conducted outside of fully enclosed buildings are inherently attractive to a wide variety of birds. Existing aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4 must have a program developed to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should also oppose the establishment of new aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4.
- c. **Alternative uses of agricultural land.** Some airports are surrounded by vast areas of farmed land within the distances specified in Sections 1-2 through 1-4. Seasonal uses of agricultural land for activities such as hunting can create a hazardous wildlife situation. In some areas, farmers will rent their land for hunting purposes. Rice farmers, for example, flood their land during waterfowl hunting season and obtain additional revenue by renting out duck blinds. The duck hunters then use decoys and call in hundreds, if not thousands, of birds, creating a tremendous threat to aircraft safety. A wildlife damage management biologist should review, in coordination with local farmers and producers, these types of seasonal land uses and incorporate them into the WHMP.

## **2-7. GOLF COURSES, LANDSCAPING AND OTHER LAND-USE CONSIDERATIONS.**

- a. **Golf courses.** The large grassy areas and open water found on most golf courses are attractive to hazardous wildlife, particularly Canada geese and some species of gulls. These species can pose a threat to aviation safety. The FAA recommends against construction of new golf courses within the separations identified in Sections 1-2 through 1-4. Existing golf courses located within these separations must develop a program to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should ensure these golf courses are monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected, corrective actions should be immediately implemented.
- b. **Landscaping and landscape maintenance.** Depending on its geographic location, landscaping can attract hazardous wildlife. The FAA recommends that airport operators approach landscaping with caution and confine it to airport areas not associated with aircraft movements. A wildlife damage management biologist should review all landscaping plans. Airport operators should also monitor all landscaped areas on a continuing basis for the presence of hazardous wildlife. If

hazardous wildlife is detected, corrective actions should be immediately implemented.

Turf grass areas can be highly attractive to a variety of hazardous wildlife species. Research conducted by the USDA Wildlife Services' National Wildlife Research Center has shown that no one grass management regime will deter all species of hazardous wildlife in all situations. In cooperation with wildlife damage management biologist, airport operators should develop airport turf grass management plans on a prescription basis, depending on the airport's geographic locations and the type of hazardous wildlife likely to frequent the airport

Airport operators should ensure that plant varieties attractive to hazardous wildlife are not used on the airport. Disturbed areas or areas in need of re-vegetating should not be planted with seed mixtures containing millet or any other large-seed producing grass. For airport property already planted with seed mixtures containing millet, rye grass, or other large-seed producing grasses, the FAA recommends disking, plowing, or another suitable agricultural practice to prevent plant maturation and seed head production. Plantings should follow the specific recommendations for grass management and seed and plant selection made by the State University Cooperative Extension Service, the local office of Wildlife Services, or a qualified wildlife damage management biologist. Airport operators should also consider developing and implementing a preferred/prohibited plant species list, reviewed by a wildlife damage management biologist, which has been designed for the geographic location to reduce the attractiveness to hazardous wildlife for landscaping airport property.

- c. **Airports surrounded by wildlife habitat.** The FAA recommends that operators of airports surrounded by woodlands, water, or wetlands refer to Section 2.4 of this AC. Operators of such airports should provide for a Wildlife Hazard Assessment (WHA) conducted by a wildlife damage management biologist. This WHA is the first step in preparing a WHMP, where required.
- d. **Other hazardous wildlife attractants.** Other specific land uses or activities (e.g., sport or commercial fishing, shellfish harvesting, etc.), perhaps unique to certain regions of the country, have the potential to attract hazardous wildlife. Regardless of the source of the attraction, when hazardous wildlife is noted on a public-use airport, airport operators must take prompt remedial action(s) to protect aviation safety.

**2-8. SYNERGISTIC EFFECTS OF SURROUNDING LAND USES.** There may be circumstances where two (or more) different land uses that would not, by themselves, be considered hazardous wildlife attractants or that are located outside of the separations identified in Sections 1-2 through 1-4 that are in such an alignment with the airport as to create a wildlife corridor directly through the airport and/or surrounding airspace. An example of this situation may involve a lake located outside of the separation criteria on the east side of an airport and a large hayfield on the west side of an airport, land uses that together could create a flyway for Canada geese directly across the airspace of the airport. There are numerous examples of such situations;

therefore, airport operators and the wildlife damage management biologist must consider the entire surrounding landscape and community when developing the WHMP.



## SECTION 3.

### PROCEDURES FOR WILDLIFE HAZARD MANAGEMENT BY OPERATORS OF PUBLIC-USE AIRPORTS.

**3.1. INTRODUCTION.** In recognition of the increased risk of serious aircraft damage or the loss of human life that can result from a wildlife strike, the FAA may require the development of a Wildlife Hazard Management Plan (WHMP) when specific triggering events occur on or near the airport. Part 139.337 discusses the specific events that trigger a Wildlife Hazard Assessment (WHA) and the specific issues that a WHMP must address for FAA approval and inclusion in an Airport Certification Manual.

**3.2. COORDINATION WITH USDA WILDLIFE SERVICES OR OTHER QUALIFIED WILDLIFE DAMAGE MANAGEMENT BIOLOGISTS.** The FAA will use the Wildlife Hazard Assessment (WHA) conducted in accordance with Part 139 to determine if the airport needs a WHMP. Therefore, persons having the education, training, and expertise necessary to assess wildlife hazards must conduct the WHA. The airport operator may look to Wildlife Services or to qualified private consultants to conduct the WHA. When the services of a wildlife damage management biologist are required, the FAA recommends that land-use developers or airport operators contact a consultant specializing in wildlife damage management or the appropriate state director of Wildlife Services.

**NOTE:** Telephone numbers for the respective USDA Wildlife Services state offices can be obtained by contacting USDA Wildlife Services Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD, 20737-1234, Telephone (301) 734-7921, Fax (301) 734-5157 (<http://www.aphis.usda.gov/ws/>).

**3-3. WILDLIFE HAZARD MANAGEMENT AT AIRPORTS: A MANUAL FOR AIRPORT PERSONNEL.** This manual, prepared by FAA and USDA Wildlife Services staff, contains a compilation of information to assist airport personnel in the development, implementation, and evaluation of WHMPs at airports. The manual includes specific information on the nature of wildlife strikes, legal authority, regulations, wildlife management techniques, WHAs, WHMPs, and sources of help and information. The manual is available in three languages: English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: <http://wildlife-mitigation.tc.FAA.gov/>. This manual only provides a starting point for addressing wildlife hazard issues at airports. Hazardous wildlife management is a complex discipline and conditions vary widely across the United States. Therefore, qualified wildlife damage management biologists must direct the development of a WHMP and the implementation of management actions by airport personnel.

There are many other resources complementary to this manual for use in developing and implementing WHMPs. Several are listed in the manual's bibliography.

**3-4. WILDLIFE HAZARD ASSESSMENTS, TITLE 14, CODE OF FEDERAL REGULATIONS, PART 139.** Part 139.337(b) requires airport operators to conduct a Wildlife Hazard Assessment (WHA) when certain events occur on or near the airport.

Part 139.337 (c) provides specific guidance as to what facts must be addressed in a WHA.

**3-5. WILDLIFE HAZARD MANAGEMENT PLAN (WHMP).** The FAA will consider the results of the WHA, along with the aeronautical activity at the airport and the views of the airport operator and airport users, in determining whether a formal WHMP is needed, in accordance with Part 139.337. If the FAA determines that a WHMP is needed, the airport operator must formulate and implement a WHMP, using the WHA as the basis for the plan.

The goal of an airport's Wildlife Hazard Management Plan is to minimize the risk to aviation safety, airport structures or equipment, or human health posed by populations of hazardous wildlife on and around the airport.

The WHMP must identify hazardous wildlife attractants on or near the airport and the appropriate wildlife damage management techniques to minimize the wildlife hazard. It must also prioritize the management measures.

**3-6. LOCAL COORDINATION.** The establishment of a Wildlife Hazards Working Group (WHWG) will facilitate the communication, cooperation, and coordination of the airport and its surrounding community necessary to ensure the effectiveness of the WHMP. The cooperation of the airport community is also necessary when new projects are considered. Whether on or off the airport, the input from all involved parties must be considered when a potentially hazardous wildlife attractant is being proposed. Airport operators should also incorporate public education activities with the local coordination efforts because some activities in the vicinity of your airport, while harmless under normal leisure conditions, can attract wildlife and present a danger to aircraft. For example, if public trails are planned near wetlands or in parks adjoining airport property, the public should know that feeding birds and other wildlife in the area may pose a risk to aircraft.

Airport operators should work with local and regional planning and zoning boards so as to be aware of proposed land-use changes, or modification of existing land uses, that could create hazardous wildlife attractants within the separations identified in Sections 1-2 through 1-4. Pay particular attention to proposed land uses involving creation or expansion of waste water treatment facilities, development of wetland mitigation sites, or development or expansion of dredge spoil containment areas. At the very least, airport operators must ensure they are on the notification list of the local planning board or equivalent review entity for all communities located within 5 miles of the airport, so they will receive notification of any proposed project and have the opportunity to review it for attractiveness to hazardous wildlife.

**3-7 COORDINATION/NOTIFICATION OF AIRMEN OF WILDLIFE HAZARDS.** If an existing land-use practice creates a wildlife hazard and the land-use practice or wildlife hazard cannot be immediately eliminated, airport operators must issue a Notice to Airmen (NOTAM) and encourage the land-owner or manager to take steps to control the wildlife hazard and minimize further attraction.

## SECTION 4.

### FAA NOTIFICATION AND REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS

#### 4-1. FAA REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS.

- a. The FAA discourages the development of waste disposal and other facilities, discussed in Section 2, located within the 5,000/10,000-foot criteria specified in Sections 1-2 through 1-4.
- b. For projects that are located outside the 5,000/10,000-foot criteria but within 5 statute miles of the airport's AOA, the FAA may review development plans, proposed land-use changes, operational changes, or wetland mitigation plans to determine if such changes present potential wildlife hazards to aircraft operations. The FAA considers sensitive airport areas as those that lie under or next to approach or departure airspace. This brief examination should indicate if further investigation is warranted.
- c. Where a wildlife damage management biologist has conducted a further study to evaluate a site's compatibility with airport operations, the FAA may use the study results to make a determination.

#### 4-2. WASTE MANAGEMENT FACILITIES.

- a. **Notification of new/expanded project proposal.** Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) limits the construction or establishment of new MSWLF within 6 statute miles of certain public-use airports, when both the airport and the landfill meet very specific conditions. See Section 2-2 of this AC and AC 150/5200-34 for a more detailed discussion of these restrictions.

The Environmental Protection Agency (EPA) requires any MSWLF operator proposing a new or expanded waste disposal operation within 5 statute miles of a runway end to notify the appropriate FAA Regional Airports Division Office and the airport operator of the proposal (40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, *Airport Safety*). The EPA also requires owners or operators of new MSWLF units, or lateral expansions of existing MSWLF units, that are located within 10,000 feet of any airport runway end used by turbojet aircraft, or within 5,000 feet of any airport runway end used only by piston-type aircraft, to demonstrate successfully that such units are not hazards to aircraft. (See 4-2.b below.)

When new or expanded MSWLF are being proposed near airports, MSWLF operators must notify the airport operator and the FAA of the proposal as early as possible pursuant to 40 CFR 258.

- b. Waste handling facilities within separations identified in Sections 1-2 through 1-4.** To claim successfully that a waste-handling facility sited within the separations identified in Sections 1-2 through 1-4 does not attract hazardous wildlife and does not threaten aviation, the developer must establish convincingly that the facility will not handle putrescible material other than that as outlined in 2-2.d. The FAA strongly recommends against any facility other than that as outlined in 2-2.d (enclosed transfer stations). The FAA will use this information to determine if the facility will be a hazard to aviation.
- c. Putrescible-Waste Facilities.** In their effort to satisfy the EPA requirement, some putrescible-waste facility proponents may offer to undertake experimental measures to demonstrate that their proposed facility will not be a hazard to aircraft. To date, no such facility has been able to demonstrate an ability to reduce and sustain hazardous wildlife to levels that existed before the putrescible-waste landfill began operating. For this reason, demonstrations of experimental wildlife control measures may not be conducted within the separation identified in Sections 1-2 through 1-4.

**4-3. OTHER LAND-USE PRACTICE CHANGES.** As a matter of policy, the FAA encourages operators of public-use airports who become aware of proposed land use practice changes that may attract hazardous wildlife within 5 statute miles of their airports to promptly notify the FAA. The FAA also encourages proponents of such land use changes to notify the FAA as early in the planning process as possible. Advanced notice affords the FAA an opportunity (1) to evaluate the effect of a particular land-use change on aviation safety and (2) to support efforts by the airport sponsor to restrict the use of land next to or near the airport to uses that are compatible with the airport.

The airport operator, project proponent, or land-use operator may use FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, or other suitable documents similar to FAA Form 7460-1 to notify the appropriate FAA Regional Airports Division Office. Project proponents can contact the appropriate FAA Regional Airports Division Office for assistance with the notification process.

It is helpful if the notification includes a 15-minute quadrangle map of the area identifying the location of the proposed activity. The land-use operator or project proponent should also forward specific details of the proposed land-use change or operational change or expansion. In the case of solid waste landfills, the information should include the type of waste to be handled, how the waste will be processed, and final disposal methods.

- a. Airports that have received Federal grant-in-aid assistance.** Airports that have received Federal grant-in-aid assistance are required by their grant assurances to take appropriate actions to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations. The FAA recommends that airport operators to the extent practicable oppose off-airport land-use changes or practices within the separations identified in Sections 1-2 through 1-4 that may attract hazardous wildlife. Failure to do so may lead to noncompliance with applicable grant assurances. The FAA will not approve the placement of airport

development projects pertaining to aircraft movement in the vicinity of hazardous wildlife attractants without appropriate mitigating measures. Increasing the intensity of wildlife control efforts is not a substitute for eliminating or reducing a proposed wildlife hazard. Airport operators should identify hazardous wildlife attractants and any associated wildlife hazards during any planning process for new airport development projects.

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**APPENDIX 1. DEFINITIONS OF TERMS USED IN THIS ADVISORY CIRCULAR.****1. GENERAL.** This appendix provides definitions of terms used throughout this AC.

- 1. Air operations area.** Any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An air operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.
- 2. Airport operator.** The operator (private or public) or sponsor of a public-use airport.
- 3. Approach or departure airspace.** The airspace, within 5 statute miles of an airport, through which aircraft move during landing or takeoff.
- 4. Bird balls.** High-density plastic floating balls that can be used to cover ponds and prevent birds from using the sites.
- 5. Certificate holder.** The holder of an Airport Operating Certificate issued under Title 14, Code of Federal Regulations, Part 139.
- 6. Construct a new MSWLF.** To begin to excavate, grade land, or raise structures to prepare a municipal solid waste landfill as permitted by the appropriate regulatory or permitting agency.
- 7. Detention ponds.** Storm water management ponds that hold storm water for short periods of time, a few hours to a few days.
- 8. Establish a new MSWLF.** When the first load of putrescible waste is received on-site for placement in a prepared municipal solid waste landfill.
- 9. Fly ash.** The fine, sand-like residue resulting from the complete incineration of an organic fuel source. Fly ash typically results from the combustion of coal or waste used to operate a power generating plant.
- 10. General aviation aircraft.** Any civil aviation aircraft not operating under 14 CFR Part 119, Certification: Air Carriers and Commercial Operators.
- 11. Hazardous wildlife.** Species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard
- 12. Municipal Solid Waste Landfill (MSWLF).** A publicly or privately owned discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR § 257.2. An MSWLF may receive

other types wastes, such as commercial solid waste, non-hazardous sludge, small-quantity generator waste, and industrial solid waste, as defined under 40 CFR § 258.2. An MSWLF can consist of either a stand alone unit or several cells that receive household waste.

13. **New MSWLF.** A municipal solid waste landfill that was established or constructed after April 5, 2001.
14. **Piston-powered aircraft.** Fixed-wing aircraft powered by piston engines.
15. **Piston-use airport.** Any airport that does not sell Jet-A fuel for fixed-wing turbine-powered aircraft, and primarily serves fixed-wing, piston-powered aircraft. Incidental use of the airport by turbine-powered, fixed-wing aircraft would not affect this designation. However, such aircraft should not be based at the airport.
16. **Public agency.** A State or political subdivision of a State, a tax-supported organization, or an Indian tribe or pueblo (49 U.S.C. § 47102(19)).
17. **Public airport.** An airport used or intended to be used for public purposes that is under the control of a public agency; and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft is publicly owned (49 U.S.C. § 47102(20)).
18. **Public-use airport.** An airport used or intended to be used for public purposes, and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft may be under the control of a public agency or privately owned and used for public purposes (49 U.S.C. § 47102(21)).
19. **Putrescible waste.** Solid waste that contains organic matter capable of being decomposed by micro-organisms and of such a character and proportion as to be capable of attracting or providing food for birds (40 CFR §257.3-8).
20. **Putrescible-waste disposal operation.** Landfills, garbage dumps, underwater waste discharges, or similar facilities where activities include processing, burying, storing, or otherwise disposing of putrescible material, trash, and refuse.
21. **Retention ponds.** Storm water management ponds that hold water for several months.
22. **Runway protection zone (RPZ).** An area off the runway end to enhance the protection of people and property on the ground (see AC 150/5300-13). The dimensions of this zone vary with the airport design, aircraft, type of operation, and visibility minimum.
23. **Scheduled air carrier operation.** Any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial



operator for which the air carrier, commercial operator, or their representative offers in advance the departure location, departure time, and arrival location. It does not include any operation that is conducted as a supplemental operation under 14 CFR Part 119 or as a public charter operation under 14 CFR Part 380 (14 CFR § 119.3).

24. **Sewage sludge.** Any solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (40 CFR 257.2)
25. **Sludge.** Any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect. (40 CFR 257.2)
26. **Solid waste.** Any garbage, refuse, sludge, from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including, solid liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954, as amended, (68 Stat. 923). (40 CFR 257.2)
27. **Turbine-powered aircraft.** Aircraft powered by turbine engines including turbojets and turboprops but excluding turbo-shaft rotary-wing aircraft.
28. **Turbine-use airport.** Any airport that sells Jet-A fuel for fixed-wing turbine-powered aircraft.
29. **Wastewater treatment facility.** Any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes, including Publicly Owned Treatment Works (POTW), as defined by Section 212 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-576) and the Water Quality Act of 1987 (P.L. 100-4). This definition includes any pretreatment involving the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. (See 40 CFR Section 403.3 (q), (r), & (s)).

- 30. Wildlife.** Any wild animal, including without limitation any wild mammal, bird, reptile, fish, amphibian, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, including any part, product, egg, or offspring thereof (50 CFR 10.12, *Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants*). As used in this AC, wildlife includes feral animals and domestic animals out of the control of their owners (14 CFR Part 139, *Certification of Airports*).
- 31. Wildlife attractants.** Any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport's AOA. These attractants can include architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.
- 32. Wildlife hazard.** A potential for a damaging aircraft collision with wildlife on or near an airport.
- 33. Wildlife strike.** A wildlife strike is deemed to have occurred when:
- a. A pilot reports striking 1 or more birds or other wildlife;
  - b. Aircraft maintenance personnel identify aircraft damage as having been caused by a wildlife strike;
  - c. Personnel on the ground report seeing an aircraft strike 1 or more birds or other wildlife;
  - d. Bird or other wildlife remains, whether in whole or in part, are found within 200 feet of a runway centerline, unless another reason for the animal's death is identified;
  - e. The animal's presence on the airport had a significant negative effect on a flight (i.e., aborted takeoff, aborted landing, high-speed emergency stop, aircraft left pavement area to avoid collision with animal) (Transport Canada, Airports Group, *Wildlife Control Procedures Manual*, Technical Publication 11500E, 1994).

## 2. RESERVED.

## Guerin, John

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**From:** Lisa Harmon <Lisa.Harmon@meadhunt.com>  
**Sent:** Tuesday, June 25, 2019 5:47 PM  
**To:** Guerin, John  
**Cc:** Melissa Perez; Maranda Thompson  
**Subject:** Case No. ZAP1046TH19 – Thermal Beach Club: Revised Wildlife Hazard Management Measures  
**Attachments:** Thermal Beach Club\_062419.pdf

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John,

John,

Mead & Hunt reviewed the WHSV and Management Plan Review report submitted on Saturday, June 22. Because the report was forwarded to me by Melissa Perez of Webb Associates, I am copying her on our correspondence.

The project proponent has responded to the comments forwarded to the ALUC on June 12, 2019, and the revised wildlife hazard management measures coincide much more closely with Dr. DeFusco's WHSV report.

I have only a few items remaining as shown in the attached letter, and these items are associated with the assignment of management measures to employees, necessary training for Thermal Beach Club employees by a qualified airport wildlife biologist, and questions regarding the applicability of UAS (drone) use to manage wildlife. The revised plan identifies the approximate altitudes at which aircraft would be flying over the site (900 to 1,100 feet above ground level); however the report did not identify that the proposed project is located beneath the horizontal surface. It is also possible that portions of the site reside beneath the 20:1 conical surface and 50:1 precision approach. (I did not prepare a graphical analysis, but it is clear that the horizontal surface overlies the site.) The maximum allowable altitude beneath the horizontal surface is defined as 150 feet above the runway elevation. (The runway elevation identified on the ALP is -114.4 feet msl.) Although I do not know what the finished site grade will be, it seems that UAS (drone) technology might not be appropriate for the site. If the project proponent chooses to use UAS technology, an airspace analysis and coordination with both the FAA and Airport staff will be required.

Assuming that few remaining items identified in Table 1 of the attached letter are addressed, Mead & Hunt has no further comment. Thank you for the opportunity to work with the Riverside County ALUC.

Thanks,  
Lisa

**Lisa Harmon | Aviation Planner**

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June 25, 2019

Sent Via E-mail

John Guerin  
Principal Planner  
Riverside County Airport Land Use Commission  
PO Box 1605  
Riverside, CA 92502  
[jguerin@rivco.org](mailto:jguerin@rivco.org)

Subject: Case No. ZAP1046TH19 – Kohl Ranch Company, LLC, “Thermal Beach Club”  
Wildlife Hazard Management

Mr. Guerin:

Mead & Hunt, Inc. (Mead & Hunt) has reviewed the revised *Wildlife Hazard Site Visit (WHSV) and Management Plan Review for the Thermal Beach Club, Thermal California*. Mead & Hunt previously reviewed the report and submitted comments to the Riverside County Airport Land Use Commission (ALUC) on June 12, 2019. The project proponent subsequently revised the report and resubmitted it to the ALUC and Mead & Hunt on June 22, 2019.

**Project Background**

The proposed project will be constructed approximately 2 miles south of the southerly terminus of Runway 17-35 at the Jacqueline Cochran Regional Airport (TRM). The project is located within the Airport Influence Area (AIA) and designated compatibility zones D & E as set forth in the adopted 2006 Airport Land Use Compatibility Plan (ALUCP). This letter considers our previously submitted comments and new material incorporated in the revised report dated June 22, 2019.

**Table 1** summarizes Mead & Hunt's initial questions/comments in its correspondence, how those questions/comments were addressed by the project proponent, and the adequacy of the response.

<b>Table 1 Wildlife Hazard Management Plan for the Thermal Beach Club</b>	
<b>Consideration – June 12, 2019, Comment Letter</b>	<b>Response</b>
<b>Bird Mitigation/Deterrent Methods.</b> The Bird Mitigation/Deterrent Methods identified in the Whitewater Plan were applicable to the proposed project and its components, but they did not address all project components.	The project proponent has amended its wildlife plan to incorporate other uses and components associated with the Thermal Beach club, such as the restaurant, kitchen facilities, etc.

<p><b>Bird Mitigation/Goose Depredation Methods.</b> The mitigation and depredation methods identified in the initial plan did not coincide with the recommendations set forth in the WHSV report.</p>	<p>The plan was revised to address the results and recommended management measures set forth by Dr. De Fusco in the WHSV report.</p>
<p><b>Responsibility, Frequency, and Coordination of Management Measures.</b> The Whitestar Plan included many applicable measures for managing or mitigating potential wildlife hazards to aviation; however, the plan did not include a discussion of who will be responsible for incorporating these measures, their frequency of execution, coordination with airport staff, or specific measures to monitor their effectiveness.</p>	<p><b>Mitigation Measure and Staff Performance.</b> The plan has been amended to identify general categories of staff who would be responsible for performing wildlife hazard management measures, monitoring procedures, and coordination with airport staff. Some clarification is necessary:</p> <ul style="list-style-type: none"><li>• On page 3, the paragraph entitled "Bird Mitigation/Depredation Methods", seventh bullet item, states that "Dedicated staff members employed and trained in bird mitigation tactics" will be perform multiple methods of non-lethal abatement.</li><li>• The eighth bullet item states (in reference to the lagoon) that "All cleaning staff to be trained in bird mitigation techniques."</li><li>• The section on page 3 entitled "Implementation", introductory paragraph, states that "All Thermal Beach club maintenance staff" will be trained in proper maintenance and monitoring of all passive measures and some active measures. They will be responsible when on duty."</li></ul> <p><b>Recommendation.</b> Please provide clarification on which employees will perform which management measures. Please clarify which employees will receive training from a qualified airport wildlife biologist in accordance with FAA guidance.</p> <p><b>Frequency of Mitigation Measures.</b> On page 7, under the bullet item labeled "Frequency", the text states that "All bird mitigation methods will be implemented and acted upon 7 days a week to ensure the safety of members and aircraft inflight." It is unlikely that all measures are necessary every day (dogs, noise, etc.)</p> <p><b>Recommendation.</b> Suggest revising to say that passive measures will be ongoing and active measures will be implemented as necessary to support passive measures and to enhance safety.</p>

	<p>(For example, you may not need dogs, UAS, etc. every day.)</p> <p><b>Village Area / Restaurant / Bar / Food Management.</b> The last bullet item under this category does not identify the need for covered trash receptacles.</p> <p><b>Recommendation.</b> Clarify that food refuse will be kept in <u>covered</u> trash containers.</p>
	<p><b>Active Measures.</b> The revised plan identifies the active measures that coincide with the WHSV report. Page 6 of the revised plan states that active measures will be undertaken by trained and equipped personnel. However, it must be noted that additional training is required to perform active measures and designated staff must receive additional training to implement these measures (i.e., drone operation, remote control, trained dogs, and depredation).</p> <p>The first bullet item under “Trained and Equipped Personnel” says that “Up to eight lagoon training techs will be on site daily and trained to implement bird management strategies.” The subsequent bullet says that at least two will be on site and trained and equipped to implement bird mitigation strategies. The last item says that a contract with a wildlife management professional will be in place at all times.</p> <p><b>Recommendation.</b> Not all active measures can be performed by Beach Club Staff. For example, the use of dogs, lethal control, and nest removal must be performed by a contractor, and the use of remote control and sonic devices require specialized training and some coordination with airport staff. Please identify who will be performing these activities (staff or contractors) and the specific training necessary.</p>
	<p><b>Remote Control Devices.</b> The discussion of aircraft altitudes requires additional detail or modification. The Thermal Beach Club is located beneath the horizontal surface associated with the Thermal Airport; Portions of the site may also be</p>

	<p>beneath the 20:1 conical surface and 50:1 precision approach surface. The airport elevation is identified as 114.4 feet below mean sea level (-114.4 feet msl). Structures and drone operations must remain below an altitude of 150 feet above the runway elevation (or 35.6 feet msl) to remain beneath the horizontal surface. Since the elevation of the Beach club structures and finished gradient are unknown, a potential conflict could occur.</p> <p><b>Recommendation.</b> An airspace analysis, coordination with the airport operator, and coordination with FAA must be undertaken to determine whether drone use is an appropriate measure for inclusion in the WHMP and to avoid airspace conflicts. Alternatively, this measure could be removed from the plan.</p>
<p><b>Federal Laws and Regulations.</b> The plan did not include regulations or guidance associated with aviation and wildlife hazard management or other useful resources.</p>	<p>The revised WHMP has been appended to include FAA Advisory Circular (AC) 150/5200-33B, "Wildlife Hazard Attractants On and Near Airports."</p>

### Conclusions

The project proponent has considered wildlife hazard management much more thoroughly through its modification of the pond shape and wildlife management plan modifications that reflect the results and recommendations set forth in Dr. De Fusco's WHSV report.

**Table 1** presents proposed recommendations that can be incorporated to clarify training requirements and staff duties associated with the implementation of management measures. **Table 1** also identifies that the proposed project underlies the horizontal and conical surfaces, making drone operations potentially inappropriate. Upon the resolution of these points, the revised management plan would be appropriate to reduce wildlife hazards associated with the proposed Thermal Beach Club.

Please do not hesitate to reach me by telephone (916-993-4650) or email ([lisa.harmon@meadhunt.com](mailto:lisa.harmon@meadhunt.com)) should you have questions regarding this letter or its recommendations.

Sincerely,

MEAD & HUNT, Inc.



Lisa Harmon  
Aviation/Environmental Planner

## Guerin, John

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**From:** Melissa Perez <melissa.perez@webbassociates.com>  
**Sent:** Tuesday, June 25, 2019 4:06 PM  
**To:** Guerin, John  
**Subject:** RE: Case. ZAP1046TH19 (Thermal Beach Club)  
**Attachments:** ALUC Hearing Responses\_06-25-19.pdf

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Hi John,

Since there were a number of questions from the commissioner's during the 6/13/19 hearing, we took a moment to transcribe the questions and responses that occurred during the hearing so that we could provide additional information and clarifications to address their questions and concerns. Please let me know if there are any additional questions or information that we might be able to provide that will be helpful.

**Melissa Perez - Senior Environmental Planner**  
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AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)		
COMMISSION MEMBER	QUESTION	STAFF RESPONSE (JOHN GUERIN)
<p><i>Chairman Steve Manos</i>                      [Approx. time: 1:13:00]</p>	<p><b>Q1.</b> The water body to the west of the Project; this Project appears to modify the landscape – I don’t know if the water body goes away to the west, or if it adds on in some way, shape, or form, so we’re creating a new water body or secondary water body in addition to the others. I’m looking at Google Maps of the region and it looks like there’s lots cut for the existing squiggly water body that you got here. It looks like there’s lots cut for a potential project around that, and I don’t understand if maybe there’s a shared ownership. Can you clarify if that has been discussed?</p>	<p><b>R1.</b> <i>Response provided during hearing (summarized)</i>                      Yes there is a long history to this. In fact take a look at the exhibit to the left, in comparison to the exhibits to your right, when you look at the aerial photo on your left you can see that only a portion of these two parcels is included and that is the area east of that line that proceeds in a south and southwesterly direction east of the current lake. All that we are discussing today is the area east of that line that is east of that lake. Look at exhibit that says “Approved Land Use Plan” this was part of the Kohl Ranch Specific Plan the concept of which was to extend that lake onto this property. The proposal now would be to take e that proposed extension of the lake out and replace with proposed surf lagoon.</p> <p>Existing lake was put in per Plot Plan 19935. It was brought to ALUC in February 2005. At that point, the ALUC Director Keith Downs required the applicant to prepare a Wildlife Hazard assessment and continue matter to the March 2005 meeting. Between the meetings the deputy director of Economic Development Agency sent letter to the Planning Department that as manager of the Jacqueline Cochran Airport, they had no concerns with regard to the proposed lake. As result, the applicant withdrew the plot plan application for ALUC review. Technically, ALUC never acted up on that plot plan application. That may or may not have had to do with fact that the lake was already a part of the conceptual land use plan as part of the Kohl Ranch Specific Plan which had been approved a few years before.</p> <p>In regard to lots in that areas, yes those are related to Tentative Tract Map 33487. The lake was proposed and received Planning approval prior to tract map. TTM was</p>

AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)		
COMMISSION MEMBER	QUESTION	STAFF RESPONSE (JOHN GUERIN)
		<p>one of two tract maps proposed by Pardee homes in 2006. Hearings were extensive. Tract Map 33487 was found consistent in 2006 which is what ended up stimulating the change for standards in Zone D south of Avenue 64. In 2010, a revision to TM provide for staff level review because it still met intensity criteria. Neither the 2006 or 2010 actions were focused on lake that had been withdrawn from ALUC consideration the previous year.</p>
<p><i>Chairman Steve Manos</i> [Approx. time: 1:18:00]</p>	<p><b>Q2.</b> This appears to be on the extended runway, or the Project site appears to be in the extended runway for the Jacqueline Cochran airport, you wouldn't happen to have any statistics on bird strikes for Jacqueline Cochran by chance do you?</p>	<p><b>R2.</b> <i>Response provided during hearing</i> Yes, I believe that is included in Dr. De Fusco's report, so let me go to that section. Page 4 of Dr. De Fusco's report, quote "A total of 7 wildlife strikes have been reported and documented in the FAA Wildlife Strike Database for aircraft operating from TRM. All reported strikes occurred since 2002. Four of the seven strikes caused significant damage to the aircraft and are a high proportion of reported strikes when compared to other airports nationwide. One was caused by coyotes, one by a California Gull, and two by Canada Geese."</p> <p><b>CLARIFICATIONS FROM APPLICANT TO STAFF RESPONSE:</b> As staff noted by staff's response to item 3 below, bird strikes at Jackie Cochran are well below that of other similar sized airports. To further support this fact, following are statistics on bird strikes and distance to water bodies from other similar sized airports in the region:</p> <p><b>McClellan-Palomar Airport</b> <b>(29 bird strikes since 2003)</b></p> <ul style="list-style-type: none"> <li>▪ approximately 2 miles from the Pacific Ocean</li> </ul>

AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)		
COMMISSION MEMBER	QUESTION	STAFF RESPONSE (JOHN GUERIN)
		<p><b>Chino Airport</b> <i>(66 bird strikes since 2002)</i></p> <ul style="list-style-type: none"> <li>▪ just under two miles from the Prado Reservoir which is designed to release water as quickly as possible so is usually fairly empty</li> </ul> <p><b>Fullerton Airport</b> <i>(24 bird strikes since 2003)</i></p> <ul style="list-style-type: none"> <li>▪ less than ½ mile south - Lakeside Residential development that contains an 8 acre lake</li> <li>▪ less than a mile south - Los Coyotes Country Club that includes three water features</li> </ul> <p><b>Van Nuys Airport</b> <i>(234 bird strikes since 2008)</i></p> <ul style="list-style-type: none"> <li>▪ less than one mile north of Lake Balboa, Woody Park, the Sepulveda Basin Recreation Area</li> <li>▪ approximately four miles north of the Encino Reservoir</li> </ul> <p><b>Palm Springs International Airport</b> <i>(66 bird strikes since 2002)</i></p> <ul style="list-style-type: none"> <li>▪ less than ¼ mile east - Escena Golf Club containing a number of water bodies</li> <li>▪ about a mile to the east - Cimarron Golf Resort and Desert Princess containing a number of water bodies</li> <li>▪ about a mile southeast - Demuth Park, Seven Lakes Country Club, and Knott's Soak City</li> <li>▪ about 2 miles southeast - Cathedral Canyon Country Club with a number of water bodies</li> </ul> <p>As noted in Dr. De Fusco's report, there is an approximately 20 acre existing lake adjacent to the</p>

AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)		
COMMISSION MEMBER	QUESTION	STAFF RESPONSE (JOHN GUERIN)
		<p>proposed Thermal Beach Club that has not maintained a bird mitigation plan. With implementation of the Whitestar Wildlife Hazard Management Plan, bird strikes as a result of the proposed lagoon are expected to be significantly reduced. As identified on page 8 of the report, an import fact is that there are numerous other water features in the surrounding area that birds deterred or dispersed from the project site will have ample alternatives sites in which to relocation, which would not be the case if this was the only available water in the area.</p>
<p>Chairman Steve Manos [Approx. time: 1:20:00]</p>	<p><b>Q3.</b> Do you know is that [referring to answer to 2] considered a high-incident rate for bird strikes for a singular airport of this size or is that, maybe you could draw on just your experience; I can't recall that many bird strikes for any of the airports in the rest of Riverside County that we discussed.</p>	<p><b>R3.</b> <i>Response provided during hearing</i> I would say that what's stated herein Dr De Fusco's report, I would defer to him on that particular issues since he is an expert and his firm is actually called BASH Incorporated. Four of the 7 strikes caused sign damage and are a high portion of reported strikes when compared to other airports nationwide. But he then goes on to say that strike reporting rates are well below those observed for other airports of similar size and likely indicate a lower risk compared to other locations though it is unknown how many unreported strikes have been experienced there. Further, each of these strikes took place within the local area, including in the approach and departure airspace and one on the airport itself. I'm presuming the one on the airport itself was coyotes since they don't fly.</p>
<p>Chairman Steve Manos [Approx. time: 1:21:00]</p>	<p><b>Q4.</b> This is kinda unusual, we're having a discussion and request to continue, that's the recommendation by staff and typically we have either a conditional approval or a finding of consistency or a finding that the project's not consistent -- what is staff looking for from the commission in terms of direction on this?</p>	<p><b>R4.</b> <i>Response provided during hearing</i> We do not have applicants consent to a continuance, they would prefer to have the project found consistent today. In terms of what we're looking for in terms of the most recent communications from Mead &amp; Hunt, our request would be that: 1) The items of concern need to be addressed in terms of differences between the management firm's</p>

AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)		
COMMISSION MEMBER	QUESTION	STAFF RESPONSE (JOHN GUERIN)
		<p>suggestions for wildlife hazard mitigation and Dr. De Fusco’s suggestions for mitigation.</p> <p>2) The Commission also might want to see if they would like to hear from EDA, current airport manager with regards to any concerns they might have. Staff has not heard any particular concerns one way or another from the airport manager to date.</p>
<p><i>Commissioner Steven Stewart</i> [Approx. time: 1:23:00]</p>	<p><b>Q5.</b> Is there any way of just postponing this to some degree, because this goes back to what I said before, it’s a constant and continuous encroachment on Zone D in that airport, I fly out of there all the time and this stuff is getting closer and closer – is there any way to stop it? Do we have that power? I think we do...</p>	<p><b>R5.</b> <i>Response provided during hearing</i> It is a plot plan and tract map. Tentatively speaking you are not subject to a 60 day official limit although if an applicant were to object to a continuance the options would be either a finding of consistency or finding of inconsistency. Those are the possible options. With consent we could continue for a time period. In terms of the type of residential use, that in and of itself would appear consistent so the issue here is the potential hazards to flight and whether the commission decides that even with the mitigation, the presence of additional open water sources from the lagoon and reservoir (with reservoir possibly being subject to a cover) are a hazard to flight, the commission could find the project inconsistent.</p>
<p><i>Commissioner Russell Betts</i> [Approx. time: 1:25:00]</p>	<p><b>Q6.</b> Thank you. I appreciate the Staff’s perception that we might need to continue this one, because I need more time on this, we received this document from Mead and Hunt on June 12, is that correct?</p>	<p><b>R6.</b> <i>Response provided during hearing</i> Yes at approximately 5:30pm as a result of a decision by staff and director to refer report to Mead &amp; Hunt as an additional firm with expertise to examine appropriateness of the information provided.</p>
<p><i>Commissioner Russell Betts</i> [Approx. time: 1:26:00]</p>	<p><b>Q7.</b> So that landed on our dais here as we sat down, correct?</p>	<p><b>R7.</b> <i>Response provided during hearing</i> Correct.</p>
<p><i>Commissioner Russell Betts</i> [Approx. time: 1:26:00]</p>	<p><b>Q8.</b> Question on people per acre. Correct me if I’m wrong, but you were focused on people per acre per building, is that what we’re looking at each example? Because I see a significant outdoor attraction in a surf lagoon, which I presume is throngs of kids and adults and</p>	<p><b>R8.</b> <i>Response provided during hearing</i> The concept would be to calculate the building intensity in terms of what is allowable relative to the parcel size. Because of the parcel size, it was determined that there was 31.55 acres for the surf lagoon and village. So it was</p>

AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)		
COMMISSION MEMBER	QUESTION	STAFF RESPONSE (JOHN GUERIN)
	everybody else enjoying the beach on a hot day? Do we calculate that?	determined the buildings would accommodate up to 1,073 that would allow 2,082 to be using the surf lagoon at any given time. We did not do a calculation for the actual acreage of the lagoon because most of the people would be toward the land side in that situation.
Commissioner Russell Betts [Approx. time: 1:27:30]	Q9. I guess I'm just imagining that if this is a wildly successful outdoor venue, you're going to have a whole lot of people outside, not just in the buildings, so I just didn't know how that worked here. Otherwise, this is completely outside the scope of this, but it strikes me as, where's the water coming from? But you probably don't have the answer to that off the, seek that answer somewhere else.	R9. <b>Response provided during hearing</b> Possibly, the applicant team can testify in that regard. I think irrigation reservoir will be holding some of the water for the surf lagoon. <b>CLARIFICATIONS FROM APPLICANT TO STAFF RESPONSE:</b> Information pertaining to the where the water comes from was provided by Scott Hildebrandt in his opening statements as indicated below and in response to discussion topics 28 through 31 below, that were provided during the hearing.
Commissioner Russell Betts [Approx. time: 1:28:15]	Q10. So there's a 3.2 acre lagoon? Is that...?	R10. <b>Response provided during hearing</b> No the lagoon is more like 20 acres.
Commissioner Russell Betts [Approx. time: 1:28:15]	Q11. 20 acres of water? And none of that will have any biological benefit to any migratory birds of any type?	R11. <b>Response provided during hearing</b> Per De Fusco, "the particular aspects with regard to the wave making and various high tech features would be causing the wave motion to occur which would make a less attractive water body than the existing lake to the west in addition to the Salton Sea and other water sources in the area. Staff does have some concerns in the event the wave motion is shut off due to something being no longer viable. It is staffs understanding the facility will be limited to the residents of the facility and their guests similar to the Thermal Racetrack being limited to people who own property there and their guests. Also noted, duplex and fourplex units are to intended to be maintained and kept by the club itself and be the equivalent of short term rentals and vacation club type situation.



AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)		
COMMISSION MEMBER	QUESTION	STAFF RESPONSE (JOHN GUERIN)
<p>Commissioner John Lyon [Approx. time: 1:30:40]</p>	<p><b>Q12.</b> Do I understand that the applicant has, as part of this application, has not identified the open space requirement, the land to be used for that?</p>	<p><b>R12.</b> <i>Response provided during hearing</i> That was the case at the time of staff report preparation however it has been provided as part of the additional packet showing use of the earthen trap channel on the exterior portions of the tm as selected open areas and the applicant has identified these as flat bottomed areas. These would not be perpetual water bodies.</p>
<p>Commissioner Steven Stewart [Approx. time: 1:31:40]</p>	<p><b>Q13.</b> As the population of the Coachella Valley increases, the Jacqueline Cochran airport is going to become more and more important, there will be aviation such as light jets and things of this nature, this project is steadily encroaching on Zone D, which is right up the end of the main runway. This project, in my professional opinion, should not be built, period. It should not be there, it should be someplace else. [Chairman Manos] Let's make sure we take all public testimony before we go ahead and announce decisions or conclusions. If you guys don't mind, I'm going to go ahead and – you have a question for Staff?</p>	<p><b>R13.</b> <i>No Response from Staff provided during hearing</i> Applicant provide response during initial commentary as reflected in Item C below.</p>
<p>Commissioner Gary Youmans [Approx. time: 1:32:30]</p>	<p><b>Q14.</b> At this point, has anybody from the FAA reviewed the project?</p>	<p><b>R14.</b> <i>Response provided during hearing</i> There would not be a requirement for FAA Obstruction Evaluation for height elevation reasons. There may be other reasons for FAA to review but it would not be the usual Obstruction Evaluation for height review.</p>
<p>Commissioner Gary Youmans [Approx. time: 1:32:30]</p>	<p><b>Q15.</b> So at this point, it would be compliant with FAA requirements?</p>	<p><b>R15.</b> <i>Response provided during hearing</i> As far as height and elevation are concerned, yes. There is of course the issue of the wildlife hazard and the FAA would probably be taking a conservative approach and the issue is the FAA's Wildlife Hazard Assessment process mainly works for identification of hazards from existing facilities and the surf lagoon would be a new facility that doesn't exist so to study something for a year that doesn't exist wouldn't really be sensible. Although if the tentatively approved Tract Map never gets recorded and</p>

AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)		
COMMISSION MEMBER	QUESTION	STAFF RESPONSE (JOHN GUERIN)
		comes back to commission for an additional review, we could ask for a Wildlife Hazard Assessment on that existing lake.
<p><i>Commissioner John Lyon</i>  <i>[Approx. time: 1:54:00]</i></p>	<p><b>Q16.</b> Mr. Chairman, just to – it looks like we’re heading for a continuance until next month to permit Staff to work with the Applicant on these remaining open questions. I just want to clarify in my own mind what those are. My understanding is that Staff has no concerns with the density calculations, is that correct?</p>	<p><b>R16. <i>Response provided during hearing</i></b>                  That is correct. It would appear the project density and intensity are consistent. Also the open area staff does not have a problem with the open area usage. Everything boils down to water body and whether it constitutes a hazard to flight.</p> <p><b>CLARIFICATIONS FROM APPLICANT TO STAFF RESPONSE:</b>                  Per email between Melissa Perez and John Guerin on 6/18/19, it was confirmed that the open land policies do not preclude the use channels to meet open land requirements and staff does not see this as an issue so long as the channel is under the applicant’s control since the water would not be filled with water most of the time. Staff recommended obtaining consent from CVWD for use of channel for emergency landing should the intent be to turn channel over the CVWD. The channel along Polk Street will remain within the control of the Kohis. The channel along Avenue 64 will be turned over the CVWD.</p> <p>Further, to re-emphasize, this is an emergency channel which will only be utilized during a regional storm event. Significant water within the channel is only anticipated once in a twenty year period. The area itself is only subject to nine (9) days of rain per year based on the Jacqueline Cochran Regional Airport weather gauge.</p>



COMMISSION MEMBER	QUESTION	APPLICANT REPRESENTATIVE RESPONSES (SCOTT HILDEBRANDT, WEBB ASSOCIATES)
	<p><b>APPLICANT REPRESENTATIVE'S OPENING STATEMENTS</b></p>	<p><b>INITIAL COMMENTARY FROM SCOTT HILDEBRANDT</b></p> <p>a) To re-emphasis, this is a private development and the lagoon will only be open to the residents around the lagoon and will not be open for commercial use. Therefore, the number of people using lagoon at any one time is actually smaller than any of the other surf lagoon projects in the desert area.</p> <p>b) The question of water quality – this is a 20 acre pool. Not a soft bottom edged facility. The wave equipment uses state of the art technology, only a few facilities like it in the world. The idea is it will be for folks living around area and potentially, based on some discussions with EDA, there could be the potential for training kids but not open to public. Total number of occupants relatively low. Numbers provided are substantially below the limit.</p> <p>c) To address Stewarts comment, this is within the Kohl Ranch Specific Plan and the Kohl Ranch Company is working with EDA and airport to provide the extension for the runway. Currently, finalizing agreement. Taking steps to make sure airport has land it needs to implement its ultimate use.</p> <p>d) The recommendation was a request to continue based on open space. We've worked with staff and feel the set asides for regional channel provide the best use for the requirement because they are long straight stretches. We obviously have the internal road systems that might meet the requirement but felt the channel would be most desirable. In discussion with staff, we did not receive any comments objecting to the set aside. So hope this satisfies request.</p> <p>e) With respect to WHA, the report was prepared by Dr. De Fusco, supplied to staff, and up until 10 minutes ago we</p>

**AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)**

COMMISSION MEMBER	QUESTION	APPLICANT REPRESENTATIVE RESPONSES (SCOTT HILDEBRANDT, WEBB ASSOCIATES)
		had no idea there were comments from staff. The letter you have, we have not seen. We had not been informed that staff was sending to Ms. Harmon at Mead & Hunt. I can't tell you what their recommendations are. We felt that questions and mitigation measures were appropriate and aggressive and so I can't ask you for approval or denial at this point in time.
<p><i>Commissioner Steven Stewart [Approx. time: 1:40:00]</i></p>	<p><b>Q17.</b> On you 21-acre lagoon, is that a soft bottom?</p>	<p><b>R17.</b> <i>Response provided during hearing</i> No. Imagine it as a 21 acre swimming pool.</p>
<p><i>Commissioner Steven Stewart [Approx. time: 1:40:00]</i></p>	<p><b>Q18.</b> Riverside County requires a health permit for swimming pools – does that come in under the County Health Department for a commercial swimming pool, when people swim in it, it has to have a permit, and it has to be chlorine, it has to be balanced chemically, what does that do for the groundwater, the effect of the wildlife if one of them has to land in your swimming pool, its 21 acres.</p>	<p><b>R18.</b> <i>Response provided during hearing</i> The Plot Plan and Tentative Map TMN have gone to environmental health. We will have to get permits through environmental health. The water is monitored on a 24 hour basis. It has to be able to withstand human body contact so the question is if a bird can't handle it, can a person? So it will be treated like a pool.</p>
<p><i>Commissioner Steven Stewart [Approx. time: 1:41:00]</i></p>	<p><b>Q19.</b> So it's going to take away some of the existing land for the birds and that sort of stuff, and it's going to put it into this pool. Now is it going to be filtered? Or, how do you maintain 21 acres, because it's going to lead to some lawsuits – you're going to have people around it, boats, electric boats, or whatever you got, at some places you got little docks, are they going to have those little electric motor things that run around in there? A good sized pool?</p>	<p><b>R19.</b> <i>Response provided during hearing</i> No boats. It's just going to be a 21-acre swimming pool? Yes and it you research some of these, they're becoming very popular. In 2028, when LA hosts the Olympics surf will be a gold medal event. Teams are training all over the world in facilities similar to this. There's other technology out there in play, most just providing one wave at a time. This technology can provide up to 10-12 different waves of varying height that can break in various directions.</p>
<p><i>Commissioner Steven Stewart [Approx. time: 1:42:00]</i></p>	<p><b>Q20.</b> So this has machinery that makes a wave? So you can surf on it? Like Waterworld or something like that?</p>	<p><b>R20.</b> <i>Response provided during hearing</i> Absolutely.</p>

**AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)**

<b>COMMISSION MEMBER</b>	<b>QUESTION</b>	<b>APPLICANT REPRESENTATIVE RESPONSES (SCOTT HILDEBRANDT, WEBB ASSOCIATES)</b>
<p><i>Commissioner Steven Stewart [Approx. time: 1:42:00]</i></p>	<p><b>Q21.</b> This is not going to be open to the public, it's just for the people that live there and want to surf?</p>	<p><b>R21.</b> <i>Response provided during hearing</i> Correct, very much like motorsports park.</p>
<p><i>Commissioner John Lyon [Approx. time: 1:42:50]</i></p>	<p><b>Q22.</b> One of Dr. DeFusco's recommendations, or observations, is that the existence of the waves themselves will make it unattractive to birds – how many hours in the day is it anticipated that the wave-making machinery will be turned on?</p>	<p><b>R22.</b> <i>Response provided during hearing</i> Depends on different times of the year and the number of people there but will be able to have surf from sunrise to sunset. There will also be 24 hour monitoring of water quality and the facility itself. The management plan will have everything that's necessary to control birds in this area. There will be no shoreline vegetation. They will have an active management plan watching for nesting. They are using the ALUC plant palette to deter birds.</p> <p><b>CLARIFICATIONS FROM APPLICANT TO STAFF RESPONSE:</b> According to Dr. De Fusco, night time bird strikes do happen. However, while the wave making technology will be somewhat of a deterrent, it is not necessary that the equipment run 24 hours a day, seven days a week. With staff harassing any birds that show up during the daytime, it is highly unlikely that birds will be attracted at night and if so, will not be in the airspace in any case.</p>
<p><i>Commissioner Steven Stewart [Approx. time: 1:44:25]</i></p>	<p><b>Q23.</b> You mentioned the Olympics? You're not planning to have the Olympics out there?</p>	<p><b>R23.</b> <i>Response provided during hearing</i> No.</p>
<p><i>Commissioner Steven Stewart [Approx. time: 1:44:25]</i></p>	<p><b>Q24.</b> Because if you did, that would precipitate a TFR from the FAA, which would make that a flight-restrict zone, up to 10,000...because that's off the end of that runway. So it could precipitate a TFR from the FAA?</p>	<p><b>R24.</b> <i>Response provided during hearing</i> No. The US surf team could come out and do a demonstration. If they have to get a TFR for an event, they will do so and comply with all the necessary requirements to hold such an event.</p>

AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)

COMMISSION MEMBER	QUESTION	APPLICANT REPRESENTATIVE RESPONSES (SCOTT HILDEBRANDT, WEBB ASSOCIATES)
<p>Chairman Steve Manos [Approx. time: 1:45:15]</p>	<p><b>Q25.</b> So you understand the concern, I think the overriding concern right now, I think twofold, as far as I'm concerned, and that is the open space area that allows for landing, obviously the Project is being built among a lot of open space, so for the right here and now, you can understand where you kind of look around and go, there's plenty of places for people to crash, but you know eventually later on down the line, speaking to Commissioner Stewart's concerns, the area may fully develop out, and then these open space areas are important in terms of long-term planning, right?</p> <p>The secondary concern has to do with birds, right? And some of the very late entries with respect to information, including the indication from Webb and Associates with respect to the open space area, which I think this email was presented on June 6, I believe was the last correspondence. Excuse me no, Melissa Perez provided some comments on June 11, so that's something I haven't been able to go through completely.</p> <p>Very quickly scanning the Mead and Hunt email that we received here on the dais, appears that there's five specific concerns that they have with respect to Dr. De Fusco's review. They include the fact, or well I'm assuming it's factual, that the Whitestar plan discusses migratory geese but no other species, that the bird mitigation methods identified in the plan are directly applicable to the proposed project and its components but it does not include all proposed project components, so there's that. You have bird mitigation</p>	<p><b>R25.</b> <i>Response provided during hearing</i> We have had no opportunity to review comment letter so at this point have to ask for a continuance.</p> <p><b>CLARIFICATIONS FROM APPLICANT TO STAFF RESPONSE:</b> June 11 email pertained to proposed language change to Condition # 9 and applicant's desire for determination from commission. For further discussion on evacuation channel for use in meeting open land requirements, see CLARIFICATIONS FROM APPLICANT TO STAFF RESPONSE on discussion topic 16 above.</p>

AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)

COMMISSION MEMBER	QUESTION	APPLICANT REPRESENTATIVE RESPONSES (SCOTT HILDEBRANDT, WEBB ASSOCIATES)
	<p>goose depredation methods, discussed as a couple of non-lethal control methods that would be incorporated on-site, but does not necessarily specify as to how that would potentially go ahead and clash with the other operations on-site and how that would be dealt with – frequency, the coordination of the wildlife management measures, as well as federal law, and the way this would go ahead and comply with federal aviation law, specifically in several instances it goes on to provide conclusions and recommendations that talk about the application and some of the other measures and training necessary to go ahead and actually implement as well as enforce many of those measures. That’s just from a scan, which I’ve done while everybody else was talking and I’m listening here, right, so we haven’t really kinda dug into this, it makes it very difficult, and while the detention basin, or excuse me, it’s the earthen channel is a floodway that would be used for flooding from time to time, and thus not likely available, at least not safely available for aviation and aircraft, so there’s a concern too. That I don’t think, well, I don’t know the Commission here actually feels about this, we’re about to find out – these are concerns, right? Valid concerns.</p>	
<p>Commissioner Steven Stewart [Approx. time: 1:49:45]</p>	<p><b>Q26.</b> One last comment – on the Mead and Hunt report page 2, under Federal law and then the second paragraph under conclusions and recommendations, the White plan does not address the nuisances associated with aviation. You guys are trying to build this in the end of the runway, the runway was there first, now its wording that they’re not – they’re treating aviation as a nuisance-</p>	<p><b>R26.</b> <i>Response provided during hearing</i> We have not read the Mead &amp; Hunt letter.</p> <p><b>CLARIFICATIONS FROM APPLICANT TO STAFF RESPONSE:</b> See CLARIFICATIONS FROM APPLICANT TO STAFF RESPONSE on discussion topic 13 above.</p>

**AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)**

COMMISSION MEMBER	QUESTION	APPLICANT REPRESENTATIVE RESPONSES (SCOTT HILDEBRANDT, WEBB ASSOCIATES)
	<p><i>[Commissioner Richard Stewart]</i> No, it says nuance. Different word. The word is “nuance”, not “nuisance”.  <i>[Commissioner Steven Stewart]</i> You’re right. Associated with the aviation and the wildlife management – is any of that taken into consideration?</p>	
<p><i>Commissioner Richard Stewart</i>  <i>[Approx. time: 1:50:45]</i></p>	<p><b>Q27.</b> We were told originally by Staff that the Applicant is not in favor of a continuance but based on the fact that you haven’t seen that, in order to make a better record and everything, wouldn’t you now agree that a short continuance would actually be best?</p>	<p><b>R27.</b> <i>Response provided during hearing</i>                      Yes. We request continuance until next month. To clarify, up to the minute we walked into hearing, there had been no comments, no clarifications requested by staff on this study. We had no idea they were sending this study off to someone else to review. So in our opinion, because there were no concerns from staff on study and we had addressed the questions on open space and there were no comments on open space, we felt there should have been sufficient time to review and hopefully answer any questions and come to a conclusion today.</p>
<p><i>Commissioner Richard Stewart</i>  <i>[Approx. time: 1:52:00]</i></p>	<p><b>Q28.</b> I have a question, it’s probably not directly related but I’m just curious, with the – I know right now California is in a non-drought situation, but what is your water source and what is your guaranteed water source?</p>	<p><b>R28.</b> <i>Response provided during hearing</i>                      Kohl Ranch by right with CVWD has guaranteed rights to water and there has been a Water Supply Assessment done by CVWD and they have determined they do have capacity to serve this project. As part of the Kohl Ranch Specific Plan, we did an overall Water Supply Assessment and CVWD has guaranteed water to the entire 2,400 acre specific plan</p>
<p><i>Chairman Steve Manos</i>  <i>[Approx. time: 1:52:50]</i></p>	<p><b>Q29.</b> So it’s a will-serve letter right?</p>	<p><b>R29.</b> <i>Response provided during hearing</i>                      Water Supply Assessment</p>
<p><i>Commissioner Richard Stewart</i>  <i>[Approx. time: 1:52:55]</i></p>	<p><b>Q30.</b> For recreational use as well as residents?</p>	<p><b>R30.</b> <i>Response provided during hearing</i>                      Yes because SP is approved with ability to construct about 100 acres worth of lakes. However, we don’t anticipate ever getting to 100 acres of lakes but we approved based on that and the Water Supply Assessment addresses that.</p>

**AGENDA ITEM 3.8 (Case No. ZAP1046TH19-Thermal Beach Club)**

<b>COMMISSION MEMBER</b>	<b>QUESTION</b>	<b>APPLICANT REPRESENTATIVE RESPONSES (SCOTT HILDEBRANDT, WEBB ASSOCIATES)</b>
<p><i>Commissioner Russell Betts [Approx. time: 1:53:20]</i></p>	<p><b>Q31.</b> How many years ago was that [referring to the Kohl Ranch WSA]?</p>	<p><b>R31.</b> <i>Response provided during hearing</i> Original was done back in the 90's, then updated in 2005, and again in 2010. As part of the tentative map and plot plan, we've been in discussions with CVWD about the need for an updated water supply, they've determined it is not necessary at this point in time. And to clarify, back in those days, the anticipated water demand was actually a lot higher than what it is and they've been tightening down the actual use per the equivalent dwelling unit based on the actual demands they see.</p>



## Guerin, John

---

**From:** Melissa Perez <melissa.perez@webbassociates.com>  
**Sent:** Monday, June 24, 2019 11:52 AM  
**To:** Guerin, John  
**Subject:** Case. ZAP1046TH19 (Thermal Beach Club) Open Land Exhibit  
**Attachments:** Updated Open Space Exhibit\_06-24-19.pdf

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Good morning John,

I noticed a couple of items that needed to be clarified on the Open Land Exhibit we previously provided, like it didn't show the acreage of the TTM and the area south of the TTM was listed as "Open Space" when it is actually "Not A Part." Those clarifications were made on the attached exhibit which still provides 12.5 acres of open land meeting the required 11.72 acres so nothing in that respect was modified.

**Melissa Perez** - Senior Environmental Planner

Albert A. Webb Associates

3788 McCray Street, Riverside, CA 92506

t: 951.320.6007

e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)

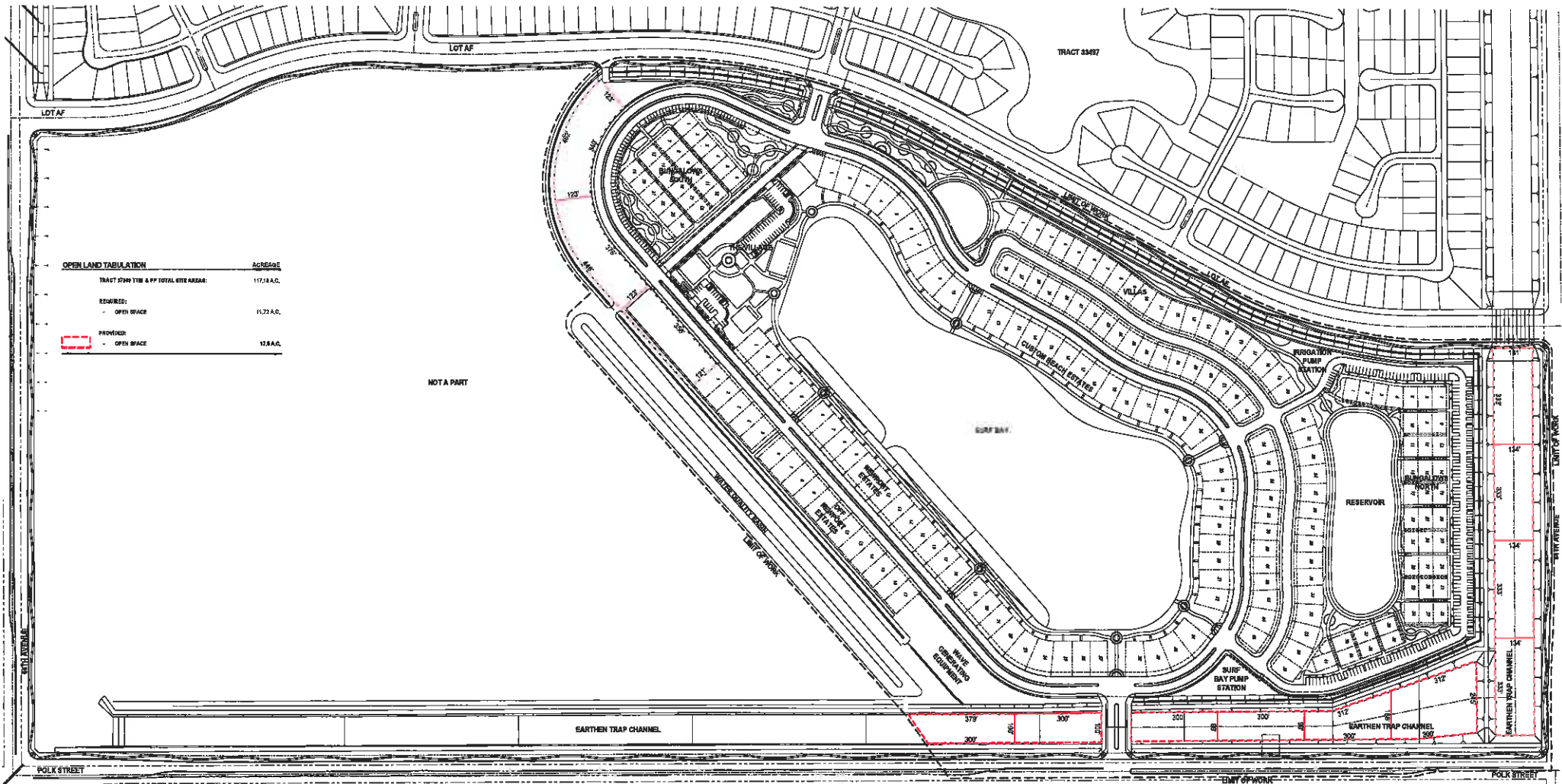
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OPEN LAND TABULATION		ACREAGE
TRACT 2349 YTB & PP TOTAL SITE AREA:		117.8 A.C.
REQUIRED:		
-	OPEN SPACE	15.23 A.C.
PROVIDED:		
-	OPEN SPACE	15.8 A.C.

NOT A PART



ALBERT A. ENGINEERING CONSULTANTS  
**AAEC**  
 ASSOCIATES

PROJECT NO. 17-0408  
 DATE PREPARED 08/24/2019

# THERMAL BEACH CLUB | ALUC LIGHT AIRCRAFT FORCED LANDING OPEN SPACE EXHIBIT

## Guerin, John

---

**From:** Melissa Perez <melissa.perez@webbassociates.com>  
**Sent:** Saturday, June 22, 2019 7:37 PM  
**To:** Guerin, John; Lisa Harmon  
**Subject:** Case. ZAP1046TH19 (Thermal Beach Club)  
**Attachments:** Updated WHSV\_06-22-19.pdf

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Good evening John and Lisa,

I have attached the updated Wildlife Hazard Assessment for your review. Dr. De Fusco has reviewed Whitestar's plan to ensure it addresses all items in the comment letter which he believes it does and it has been included as a revised Appendix D within his WHA. Please let me know if there are any issues or questions you may have. Thanks!

**Melissa Perez - Senior Environmental Planner**

Albert A. Webb Associates

3788 McCray Street, Riverside, CA 92506

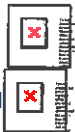
t: 951.320.6007

e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)

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## Guerin, John

---

**From:** Melissa Perez <melissa.perez@webbassociates.com>  
**Sent:** Friday, June 21, 2019 11:10 AM  
**To:** Guerin, John  
**Subject:** RE: Mead & Hunt Review of Thermal Beach Club project  
**Attachments:** Tentative Tract Map 37269.pdf; 17-0409 PLOT PLAN-2019-06-19.pdf

Good morning John,

I have attached the PDF's for you. And yes, the engineer revised the lot numbers so that there are no more duplicates. Whitestar has addressed Mead & Hunts comments and it is now in the hands of Dr. De Fusco to review so anticipate having everything your next Tuesday.

**Melissa Perez - Senior Environmental Planner**  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

**From:** Guerin, John [<mailto:JGUERIN@RIVCO.ORG>]  
**Sent:** Friday, June 21, 2019 10:23 AM  
**To:** Melissa Perez <melissa.perez@webbassociates.com>  
**Subject:** RE: Mead & Hunt Review of Thermal Beach Club project

Thank you for the revised full-size plans. I see that the lot numbering has been revised. Please provide PDFs for our distribution of reductions with the July staff reports.

Thank you for reaching out to Mead & Hunt regarding their analysis. Is Whitestar working on Mitigation/Management Plan revisions to address Mead & Hunt's comments?

**From:** Melissa Perez [<mailto:melissa.perez@webbassociates.com>]  
**Sent:** Thursday, June 13, 2019 12:34 PM  
**To:** Guerin, John <[JGUERIN@RIVCO.ORG](mailto:JGUERIN@RIVCO.ORG)>  
**Subject:** RE: Mead & Hunt Review of Thermal Beach Club project

Thank you

**Melissa Perez - Senior Environmental Planner**  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

**From:** Guerin, John [<mailto:JGUERIN@RIVCO.ORG>]  
**Sent:** Thursday, June 13, 2019 12:25 PM

To: Melissa Perez <[melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com)>  
Subject: RE: Mead & Hunt Review of Thermal Beach Club project

Preferably by June 25...

From: Melissa Perez [<mailto:melissa.perez@webbassociates.com>]  
Sent: Thursday, June 13, 2019 12:23 PM  
To: Guerin, John <[JGUERIN@RIVCO.ORG](mailto:JGUERIN@RIVCO.ORG)>  
Subject: RE: Mead & Hunt Review of Thermal Beach Club project

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Thank you so much John! Much appreciated. Is there a deadline in which the comments needs to be addressed and satisfied in order to provide in sufficient time for the July 11 hearing?

**Melissa Perez - Senior Environmental Planner**  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
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From: Guerin, John [<mailto:JGUERIN@RIVCO.ORG>]  
Sent: Thursday, June 13, 2019 12:19 PM  
To: Melissa Perez <[melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com)>  
Subject: Mead & Hunt Review of Thermal Beach Club project

PDF copy Attached, for your distribution as you may find appropriate...

**Confidentiality Disclaimer**

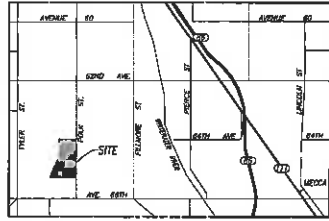
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[County of Riverside California](#)

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IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**TENTATIVE TRACT MAP NO. 37269**  
 BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST AND SOUTHEAST QUARTER  
 OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 8 EAST, S.B.B.M.  
**FEIRO ENGINEERING, INC.**      **AUGUST, 2018**

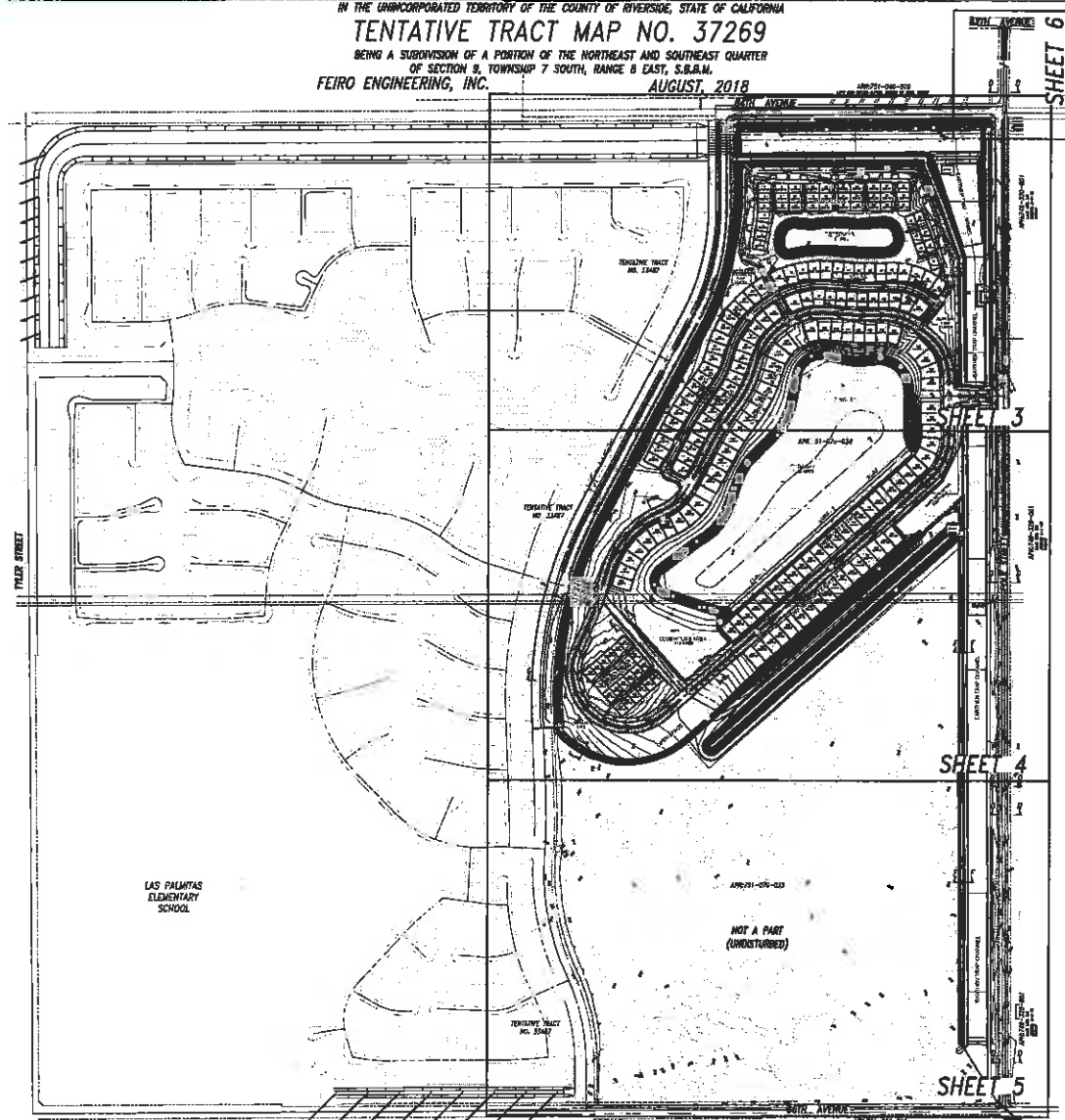


VICINITY MAP  
 NOT TO SCALE

**LEGEND & ABBREVIATIONS:**

—	CENTERLINE
—	PROPERTY LINE
—	PAO
—	PAO ELEVATION
—	TOP OF HORIZONTAL
—	EXISTING ELEVATION
—	PROPOSED ELEVATION
—	EXISTING CONTOUR
—	FRESH CONTOUR
—	DRAINAGE SWALE
—	PROPERTY LINE / RIGHT-OF-WAY
—	CENTERLINE
—	STORMWATER LINE
—	CATCH BASIN
—	SEWER LINE
—	WATER LINE
—	IRIGATION LINE
—	EXISTING OVERHEAD POWER
—	EXISTING WATER LINE
—	EXISTING SEWER LINE
—	WATER METER
—	IRIGATION METER
—	WATER
—	PROPOSED PAVING
—	PROPOSED PAVING

(W) APPROXIMATE LOCATION OF BUREAU'S PER SOILS REPORT  
 (E) EXISTING GROUND ELEVATION  
 (M) EX. METER TABLE ELEVATION



SHEET INDEX  
 SCALE: 1"=200'

**OWNER/APPLICANT:**  
 KOKA BUNCH COMPANY, LLC  
 11812 SAN VICENTE BLVD., SUITE 510  
 LOS ANGELES, CA. 90049  
 (310) 276-7300

**REPRESENTATIVE:**  
 ALBERT A. WEBB ASSOCIATES  
 3788 HICKMAY STREET  
 RIVERSIDE, CA. 92506  
 951-886-1070

**ENGINEER:**  
 FEIRO ENGINEERING, INC.  
 P.O. BOX 12980  
 PALM DESERT, CA. 92255  
 760-346-8015  
 ron@feiro.com

**APN:**  
 751-070-033 & 751-070-034

**SITE ADDRESS:**  
 8515 63TH AVENUE  
 THERMAL, CA. 92274

**PROJECT DATA:**  
 TOTAL LOT AREA: 5,052,767 SQ.FT. (116.00 ACRES)  
 DISTURBED AREA: 5,391,047 SQ.FT. (123.76 ACRES)

**LEGAL DESCRIPTION:**  
 A PORTION OF THE NORTHEAST AND SOUTHWEST QUARTER  
 OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 8 EAST, SAN  
 BERNARDINO BASE AND MERIDIAN

**LAND USE:**  
 EXISTING LAND USE = VACANT  
 PROPOSED LAND USE = SINGLE FAMILY RESIDENTIAL  
 EXISTING ZONING = SP  
 PROPOSED ZONING = SP

**SCHOOL DISTRICT:**  
 COACHELLA VALLEY UNIFIED SCHOOL DISTRICT

**UTILITIES:**  
 WATER: COACHELLA VALLEY WATER DISTRICT  
 TELEVISION: SPECTRUM  
 SEWER: COACHELLA VALLEY WATER DISTRICT  
 GAS: SOUTHERN CALIFORNIA GAS COMPANY  
 ELECTRIC: IMPERIAL IRRIGATION DISTRICT  
 TELEPHONE: FRONTIER

**THOMAS BROS. COORDINATES - PAGE: 5391 GROSS: FS, FR, FT, OS, OR AND ST**

**FLOOD ZONE**  
 ZONES: X  
 COMMUNITY PANEL NO. 060602310H  
 MAP REVISED: 3/6/2018  
 LAND IS SUBJECT TO OVERFLOW, INUNDATION, OR FLOOD HAZARD

**NOTES:**  
 1. ALL IMPROVEMENTS SHALL BE PER SCHEDULE "A" SUBDIVISION, ORDINANCE 450.  
 2. THIS MAP DOES NOT INCLUDE THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND DIVIDED.  
 3. PROJECT IS WITHIN SPECIFIC PLAN 303 AMENDMENT #3  
 4. EASEMENTS OF RECORD ARE AS SHOWN.  
 5. PROJECT IS WITHIN THE THERMAL #125 COUNTY SERVICE AREA FOR STREET LIGHTING.  
 6. NO EXISTING WELLS ON THE PROPERTY.  
 7. TOPOGRAPHY FLOWN BY CENTRAL COAST AERIAL MAPPING, INC ON 10/14/2016.  
 8. SLOPES OF SLOPES TO PROPERTY LINES SHALL CONFORM TO ORDINANCE 457 REQUIREMENTS.  
 9. ALL SLOPES ARE 2:1 RATIO, UNLESS OTHERWISE NOTED.  
 10. NO SUBSURFACE SEPTIC SEWAGE DISPOSAL IS INTENDED.  
 11. LAND IS SUBJECT TO LIQUEFACTION OR OTHER GEOLOGICAL HAZARD AND IS NOT WITHIN A SPECIAL STUDIES ZONE.  
 12. LAND IS SUBJECT TO OVERFLOW, INUNDATION OR FLOOD HAZARD.  
 13. AS SHOWN ON THE MAP THERE ARE OPEN CHANNELS ON SITE.  
 14. NO EXISTING STRUCTURES OR DWELLINGS ON SITE.  
 15. PROPOSED STRUCTURES OR DWELLINGS ON SITE.  
 16. PROJECT IS NOT ZONED R-2, RESTRICTED SINGLE-FAMILY RES.  
 17. THE PROJECT WILL COMPLY WITH CURRENT IMPERIAL CONSTRUCTION GENERAL PERMIT (CGP) AND MPDES MSA PERMIT REQUIREMENTS.  
 18. ENTRY MONUMENTATION PER COUNTYWIDE DESIGN STANDARDS & GUIDELINES.  
 19. ALL PRIVATE STREETS ARE TO BE PRIVATELY MAINTAINED UNLESS OTHERWISE NOTED.

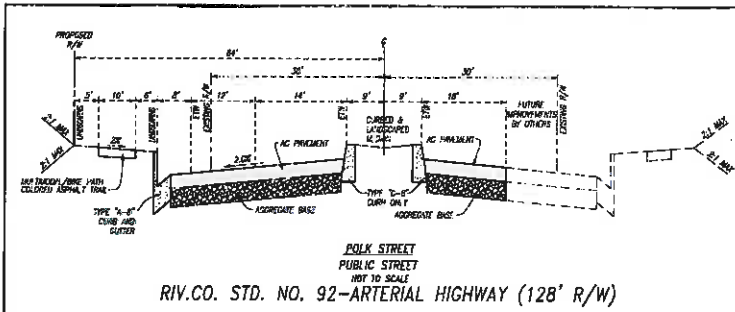


Civil Engineering      P.E. No. 72980  
 Land Surveying      Palm Desert, California 92255  
 (760) 346-8015  
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 THESEBY CHECK THE DEEDS SUPERVISOR OFF

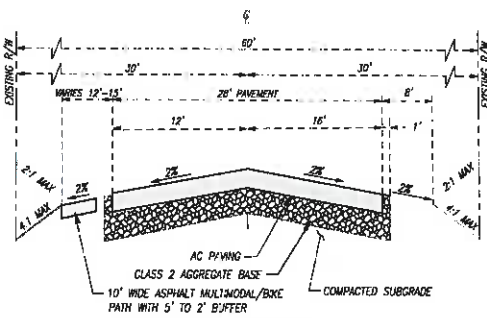
In the Unincorporated Territory of Riverside County  
**TENTATIVE TRACT MAP NO. 37269**  
 SCHEDULE "A" SUBDIVISION  
 T7S R8E SEC 9 SBBM  
 8515 63th Avenue, Thermal, CA 92274, APN 751-070-033 AND 751-070-034  
 FOR: Thermal Beach Club

SHEET NUMBER: 1  
 OF 7 SHEETS  
 DATE: 08/15/18  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: 08/15/18

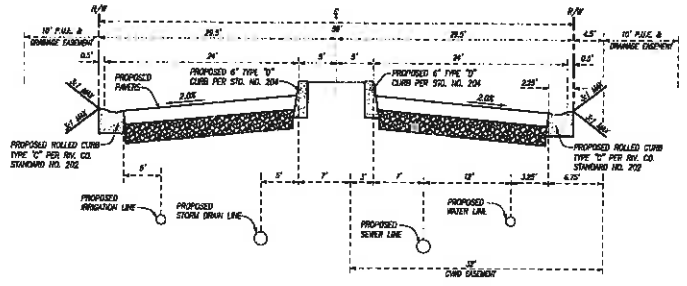




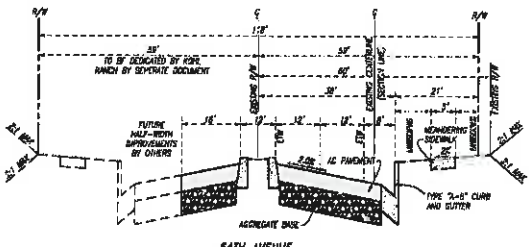
**POLK STREET**  
PUBLIC STREET  
NOT TO SCALE  
RIV.CO. STD. NO. 92-ARTERIAL HIGHWAY (128' R/W)



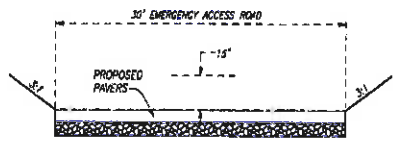
**STREET SECTION D-D**  
POLK STREET  
RIV.CO. STD. NO. 106-(MODIFIED)  
NOT TO SCALE



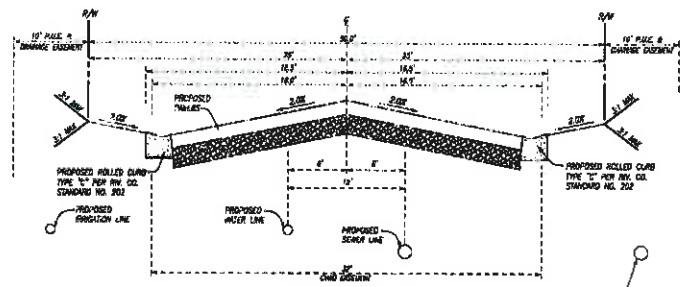
**STREET SECTION A-A**  
PRIVATE STREET  
NOT TO SCALE



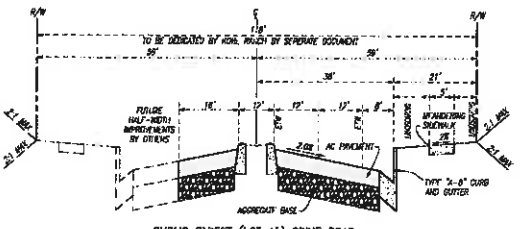
**BATH AVENUE**  
PUBLIC STREET  
NOT TO SCALE  
RIV.CO. STD. NO. 93-MAJOR HIGHWAY (118' R/W)



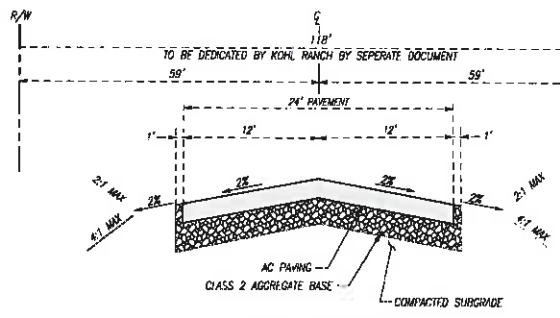
**SECTION E-E**  
30' EMERGENCY ACCESS ROAD  
NOT TO SCALE



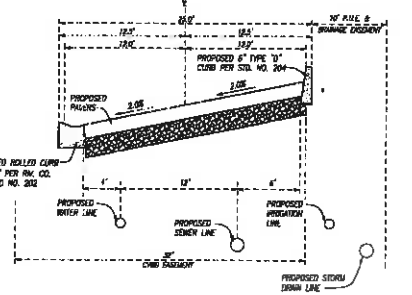
**STREET SECTION B-B**  
PRIVATE STREET  
NOT TO SCALE



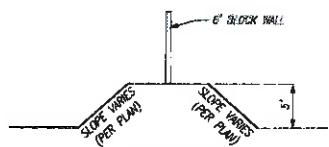
**PUBLIC STREET (LOT A) SPINE ROAD**  
NOT TO SCALE  
RIV.CO. STD. NO. 93-MAJOR HIGHWAY (118' R/W)



**STREET SECTION G-G**  
SERVICE ACCESS ROAD  
NOT TO SCALE



**STREET SECTION C-C**  
PRIVATE STREET  
NOT TO SCALE



**SECTION F-F**  
TYPICAL BERM DETAIL  
NOT TO SCALE

	P.O. Box 2088 Civil Engineering Land Surveying www.lseinc.com © Copyright 2016, LSE Engineering, Inc. REGISTERED ENGINEER AND SURVEYOR	P.O. Box 2088 Palm Beach Gardens, FL 33480 (760) 348-8010	In the Unincorporated Territory of Riverside County	SHEET NUMBER	
	TENTATIVE TRACT MAP NO. 37289		SCHEDULE "A" SUBDIVISION	2	
	17S R6E SEC 9 S88M		300' WIDE ROAD 2' HIGH AND 15' WIDE AND 15' HIGH	DATE: 10/11/16	SCALE: AS SHOWN
	Thermal Beach Club		FOR: Thermal Beach Club	DATE: 10/11/16	SCALE: AS SHOWN

P:\Public\Projects\160214071\_Thermal Beach Club\160214071.dwg, 11/16/16, 01:30:29 PM, 10/25/2016 AM

MATCHLINE - SEE SHEET 6

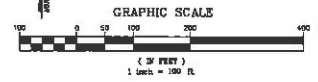
APN:751-040-010  
 LAND USE: MDU, OS-C, VHDR, ZONING: SP #303, VACANT

- LEGEND & ABBREVIATIONS:**
- C CENTERLINE
  - PLD PROPERTY LINE
  - PAO PAVEMENT ELEVATION
  - TDI TOP OF DRIVEWAY
  - ES (98.5) EXISTING ELEVATION
  - PR (99.9) PROPOSED ELEVATION
  - ES (99) EXISTING ELEVATION
  - FC (99) FRESH CONCRETE
  - DS (99) DRAINAGE SHALE
  - PL PROPERTY LINE / RIGHT-OF-WAY
  - CO CENTERLINE
  - SL SURF BAY LINE
  - CB CATCH BASIN
  - SL (8) SEWER LINE
  - WL WATER LINE
  - HL HANGARON LINE
  - EC EXISTING OVERHEAD POWER
  - EW EXISTING WATER LINE
  - ESL EXISTING SEWER LINE
  - WM WATER METER
  - AM AMMUNITION METER
  - W WATER
  - P PROPOSED DRIVEWAY
  - F PROPOSED PAVING
- (W) APPROXIMATE LOCATION OF DRIVEWAY AND TOILET SEWER  
 ES = EXISTING OVERHEAD ELEVATION  
 WL = EX. WATER TABLE ELEVATION

APN:749-320-001  
 LAND USE: MDU, OS-C, VHDR, ZONING: SP #303, VACANT

TENTATIVE TRACT NO. 33487

MATCHLINE - SEE SHEET 4



<p><b>FEIRO</b>                  ENGINEERS &amp; ARCHITECTS</p>	P.O. Box 12040 Civil Engineering Palm Beach, California 93553 Land Surveying (760) 344-9113 www.feiro.net © Copyright 2011, Palm Beach, FL PREPARED UNDER THE DIRECT SUPERVISION OF: Ronald K. Palm R.C.S. 22828 D.M.S.	In the Unincorporated Territory of Brevard County <b>TENTATIVE TRACT MAP NO. 37269</b> SCHEDULE "A" SUBDIVISION T7S R8E SEC 9 SBBM SURF BAY BEACH, FL 33411 FOR: Thermal Beach Club	SHEET NUMBER <b>3</b> OF 7 SHEETS LONG FILE: (POSTER) DATE: JOB NUMBER: 107-001
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B:\AutoCAD\DWG\107-001\Thermal Beach Club\37269\Tentative Map 37269.dwg, T7S R8E, 01/20/2011 10:25:44 AM



MATCHLINE- SEE SHEET 3

APN:751-070-034

TENTATIVE TRACT  
NO. 33487

LOT "A"

SURF BAY  
20.88 ACRES

SURF - 1

SURF - 2

SURF - 3

CLUB HOUSE AREA  
4.19 ACRES

NEWPORT ESTATES  
OFF THE POINT ESTATES

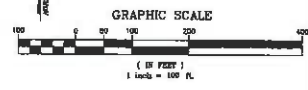
APN:751-070-033  
NOT A PART  
UNDISTURBED

MATCHLINE- SEE SHEET 5

LEGEND & ABBREVIATIONS:

- CL CENTERLINE
  - PLD PROPERTY LINE
  - PAO PAD ELEVATION
  - TM TOP OF MOUND
  - EX EXISTING ELEVATION
  - 90.9 PROPOSED ELEVATION
  - CS EXISTING CONTOUR
  - PC PROPOSED CONTOUR
  - SS SERVICE STRIKE
  - PL PROPERTY LINE / RIGHT-OF-WAY
  - CL CENTERLINE
  - SD STORMWATER LINE
  - CB CATCH BASIN
  - SL SEWER LINE
  - WL WATER LINE
  - PL PROPOSED LINE
  - EP EXISTING OVERHEAD POWER
  - EW EXISTING WATER LINE
  - ES EXISTING SEWER LINE
  - EM EXISTING WATER METER
  - EM EXISTING SEWER METER
  - W WATER
  - PA PROPOSED PAVEMENT
  - PP PROPOSED PAVING
- (W) APPROXIMATE LOCATION OF  
GEOLOGIST PER SOILS REPORT  
E2- EXISTING ELEVATION  
WFL- EX. WATER TABLE ELEVATION

APN:749-320-001  
LAND USE: RND  
ZONING: A-1-10  
VACANT



<p>FEIRO ENGINEERS, INC.</p>	<p>P.O. Box 12280 Folsom, CA 95621 (916) 448-8913</p>	<p>In the Unincorporated Territory of Riverside County <b>TENTATIVE TRACT MAP NO. 37269</b> SCHEDULE "A" SUBDIVISION T7S R8E SEC 9 SBBM SBBM 100 Acres, Parcel 1, 100% A/C 100% 100% 100% 100% 100%</p>	<p>SHEET NUMBER <b>4</b></p>
	<p>www.feiro.com</p>	<p>© 2009 FEIRO, Folsom, CA</p>	<p>DATE: 10/1/09</p>
	<p>PROJECT: T7S R8E SEC 9 SBBM</p>	<p>DATE: 10/1/09</p>	<p>DATE: 10/1/09</p>
	<p>PROJECT: T7S R8E SEC 9 SBBM</p>	<p>DATE: 10/1/09</p>	<p>DATE: 10/1/09</p>

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MATCHLINE- SEE SHEET 4

APN:751-070-033  
NOT A PART  
UNDISTURBED

TENTATIVE TRACT  
NO. 33487

APN:751-200-018  
LAND USE: IND  
ZONING: A-1-10  
EXISTING MOBILE HOMES

THE CIVIL ENGINEER'S  
DRAWINGS ARE LOCATED SOUTH  
OF HEREIN AND WILL  
NOT BE AFFECTED BY THE  
PROPOSED DEVELOPMENT.

APN:751-200-012  
LAND USE: IND  
ZONING: A-1-10  
VACANT

EARTHEN TRAP CHANNEL

POLK STREET

APN:749-320-001  
LAND USE: IND  
ZONING: A-1-10  
VACANT

- LEGEND & ABBREVIATIONS:**
- C CENTERLINE
  - P PROPERTY LINE
  - PAID PAID ELEVATION
  - TH TOP OF TIE/DRAINAGE
  - (S.F.S) EXISTING ELEVATION
  - (P.S.S) PROPOSED ELEVATION
  - (S.F.S) EXISTING ELEVATION
  - (P.S.S) PROPOSED ELEVATION
  - EXISTING CONTOUR
  - PROPOSED CONTOUR
  - DRAINAGE SWALE
  - PROPERTY LINE / RIGHT-OF-WAY
  - CONCRETE
  - STORMWATER LINE
  - CATCH BASIN
  - SINKER LINE
  - WATER LINE
  - REPAIR/REINFORCE LINE
  - EXISTING OVERHEAD POWER
  - EXISTING WATER LINE
  - EXISTING SEWER LINE
  - WATER METER
  - IRRIGATION METER
  - WATER
  - PROPOSED PAVING
  - PROPOSED PAVING
  - (W) APPROXIMATE LOCATION OF  
UNDERSIDES PER "SLOPE REPORT"
  - EX- EXISTING GROUND ELEVATION
  - WEL- EX. WATER TABLE ELEVATION



	Civil Engineering Land Surveying www.feiro.com 1000 S. Main Street, Suite 100 Fullerton, CA 92630 (714) 344-8010 © Copyright 2016, Feiro Engineers, Inc. PREPARED UNDER THE DIRECT SUPERVISION OF:	P.E. Dan Jensen P.E. Dennis Goffman 63913 (714) 344-8010	In the Unincorporated Territory of Riverside County <b>TENTATIVE TRACT MAP NO. 37269</b> SCHEDULE "A" SUBDIVISION T7S R9E SEC 9 SB8M 85th Street Area, Block 8, 9th Street to 10th Street FOR: Thermal Beach Club	SHEET NUMBER <b>5</b> OF 7 SHEETS DATE: 10/11/2016 DRAWN BY: [Name] CHECKED BY: [Name]
	THE CIVIL ENGINEER'S DRAWINGS ARE LOCATED SOUTH OF HEREIN AND WILL NOT BE AFFECTED BY THE PROPOSED DEVELOPMENT.			

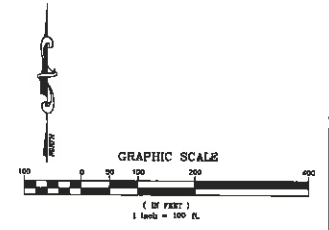
R:\AutoCAD\Projects\10271-001 Thermal Beach Club\10271-001.dwg, T:\MSD, 9/16/2016 10:26:56 AM

MATCHLINE- SEE MIDDLE BOTTOM

MATCHLINE- SEE RIGHT BOTTOM

APN:757-270-003

62TH AVE.



LEGEND & ABBREVIATIONS:

—C—	CONCRETE LINE
—P—	PROPERTY LINE
—E—	FINISH ELEVATION
—T—	TOP OF HEADWALL
—E—	EXISTING ELEVATION
—P—	PROPOSED ELEVATION
—E—	EXISTING CENTERLINE
—P—	PROPOSED CENTERLINE
—S—	SEWER LINE
—W—	WATER LINE
—I—	IRRIGATION LINE
—O—	EXISTING OVERHEAD POWER
—P—	PROPOSED POWER
—W—	WATER METER
—M—	MIRRIGATION METER
—W—	WATER
—P—	PROPOSED PAVING
—P—	PROPOSED PAVING

(W) APPROXIMATE LOCATION OF  
 ELEVATION REPORT  
 ELEVATION REPORT  
 ELEVATION REPORT  
 ELEVATION REPORT

APN:751-040-004

APN:751-040-009  
POLK STREET

APN:751-040-010

APN:749-310-007

APN:751-030-016

APN:751-030-017  
POLK STREET

APN:751-040-004

APN:749-310-001

APN:749-310-007

APN:751-030-021

APN:749-310-001

MATCHLINE- SEE MIDDLE TOP

MATCHLINE- SEE SHEET 3

MATCHLINE- SEE TOP LEFT

<p>FEIRO ENGINEERS, INC.</p>	<p>P.O. Box 12889          San Diego, California 92125          (619) 544-8212</p> <p>www.feiro.net</p> <p>© Copyright 2012, Feiro Engineering, Inc.          PREPARED UNDER THE SUPERVISION OF:</p> <p>Project: K. 7496      S.C.P. 32286      DATE</p>	<p>In the Unincorporated Territory of Riverside County</p> <p><b>TENTATIVE TRACT MAP NO. 37289</b></p> <p>SCHEDULE "A" SUBDIVISION          T7S-R8E-SEC. 9-SBDM          62nd Ave. from 0.000' to 0.000' and 0.000' to 0.000'</p> <p>FOR: Thermal Beach Club</p>	<p>SHEET NUMBER: <b>6</b></p> <p>OF 2 SHEETS          DATE FILED:          12/15/2011          COUNTY:          RIVERSIDE          JOB NUMBER:          1021-001</p>
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**BUNGALOWS (NORTH)-LOT AREA TABLE**

LOT #	AREA (SF)	USABLE AREA (SF)	% USABLE AREA
1	4000	4000	100%
2	4000	4000	100%
3	4000	4000	100%
4	4599	4317	94%
5	4156	3908	94%
6	4142	3893	94%
7	4142	4142	100%
8	4142	4142	100%
9	4142	3893	94%
10	4142	3893	94%
11	4142	4142	100%
12	4142	4142	100%
13	4142	4142	100%
14	4142	4142	100%
15	4142	3881	94%
16	4142	3893	94%
17	4142	4142	100%
18	4142	4142	100%
19	4142	3893	94%
20	4142	4142	100%
21	4142	3881	94%
22	4142	3893	94%
23	4142	3893	94%
24	4142	4142	100%
25	4142	4142	100%
26	4142	4142	100%
27	4142	4142	100%
28	4000	4000	100%
29	4000	4000	100%
30	4000	4000	100%
31	4000	4000	100%
32	4000	4000	100%
33	4000	4000	100%
34	4000	4000	100%
35	4000	4000	100%
36	4007	4007	100%
37	4000	4000	100%
38	4000	4000	100%
39	4000	4000	100%
40	4000	4000	100%
41	4000	4000	100%

**VILLAS-LOT AREA TABLE**

LOT #	AREA (SF)	USABLE AREA (SF)	% USABLE AREA
1	5232	5232	100%
2	5477	5477	100%
3	5500	5500	100%
4	5500	5500	100%
5	5500	5500	100%
6	5672	5672	100%
7	5656	5656	100%
8	5656	5656	100%
9	5520	5520	100%
10	5922	5922	100%
11	6239	6239	100%
12	6239	6239	100%
13	5822	5822	100%
14	5839	5839	100%
15	5896	5896	100%
16	5896	5896	100%
17	5896	5896	100%
18	5896	5896	100%
19	5896	5896	100%
20	5993	5993	100%
21	6501	6501	100%
22	6445	6445	100%
23	6445	6445	100%
24	6445	6445	100%
25	5840	5840	100%
26	5840	5840	100%
27	5754	5754	100%
28	5754	5754	100%
29	5754	5754	100%
30	5754	5754	100%
31	6359	6359	100%
32	6812	6812	100%
33	6812	6812	100%
34	6812	6812	100%
35	5754	5754	100%
36	6176	6176	100%
37	5500	4900	89%
38	5500	5500	100%
39	5500	5500	100%
40	5632	5632	100%
41	5679	5679	100%
42	5679	5679	100%
43	5516	5516	100%
44	5312	5312	100%
45	5911	5911	100%
46	5911	5911	100%
47	5911	5911	100%
48	5534	5534	100%
49	5760	5760	100%
50	5760	5760	100%
51	5760	5760	100%
52	5760	5760	100%
53	5736	5736	100%
54	7530	7530	100%
55	6382	6382	100%
56	6382	6382	100%
57	5978	5978	100%
58	5738	5738	100%
59	5738	5738	100%
60	5738	5738	100%
61	5738	5738	100%
62	5715	5715	100%
63	6782	6782	100%
64	7822	7001	89%
65	7400	7400	100%

**CUSTOM BEACH ESTATES-LOT AREA TABLE**

LOT #	AREA (SF)	USABLE AREA (SF)	% USABLE AREA
1	7200	7200	100%
2	8173	8173	100%
3	8433	8433	100%
4	8433	8433	100%
5	8433	8433	100%
6	8433	8433	100%
7	7211	7211	100%
8	8227	8227	100%
9	8353	8353	100%
10	8618	8618	100%
11	7560	7560	100%
12	7560	7560	100%
13	7560	7560	100%
14	7666	7666	100%
15	8093	8093	100%
16	7991	7991	100%
17	7660	7660	100%
18	7871	7871	100%
19	7832	7832	100%
20	7832	7832	100%
21	7832	7832	100%
22	8116	8116	100%
23	8691	8691	100%
24	8676	8676	100%
25	8449	8449	100%
26	8134	8134	100%
27	7253	7253	100%
28	7349	7349	100%
29	7349	7349	100%
30	7295	7295	100%

**NEWPORT ESTATES-LOT AREA TABLE**

LOT #	AREA (SF)	USABLE AREA (SF)	% USABLE AREA
1	7200	7200	100%
2	7200	7200	100%
3	7200	7200	100%
4	7200	7200	100%
5	7200	7200	100%
6	7200	7200	100%
7	7200	7200	100%
8	7200	7200	100%
9	7200	7200	100%
10	7200	7200	100%
11	7200	7200	100%
12	7200	7200	100%
13	7200	7200	100%
14	7200	7200	100%
15	7200	7200	100%
16	7200	7200	100%
17	7200	7200	100%
18	7200	7200	100%
19	7200	7200	100%
20	7200	7200	100%
21	7200	7200	100%
22	8313	8313	100%
23	8694	8694	100%
24	8350	8350	93%
25	8303	7762	93%
26	7440	7080	95%
27	7200	7200	100%
28	8115	8115	100%
29	8709	8709	100%
30	8711	8711	100%
31	8658	8658	100%

**OFF NEWPORT ESTATES-LOT AREA TABLE**

LOT #	AREA (SF)	USABLE AREA (SF)	% USABLE AREA
1	7200	7200	100%
2	7200	7200	100%
3	7200	7200	100%
4	7200	7200	100%
5	7200	7200	100%
6	7200	7200	100%
7	7200	7200	100%
8	7200	7200	100%
9	7200	7200	100%
10	7200	7200	100%
11	7200	7200	100%
12	7200	7200	100%
13	7200	7200	100%
14	7200	7200	100%
15	7200	7200	100%
16	7200	7200	100%
17	7200	7200	100%

**BUNGALOWS (SOUTH)-LOT AREA TABLE**

LOT #	AREA (SF)	USABLE AREA (SF)	% USABLE AREA
1	4000	4000	100%
2	4000	4000	100%
3	4000	4000	100%
4	4000	4000	100%
5	4000	4000	100%
6	4000	4000	100%
7	4000	4000	100%
8	4000	4000	100%
9	4000	4000	100%
10	4000	4000	100%
11	4000	4000	100%
12	4000	4000	100%
13	4000	4000	100%
14	4000	4000	100%
15	4000	4000	100%
16	4000	4000	100%
17	4000	4000	100%
18	4000	4000	100%
19	4000	4000	100%
20	4000	4000	100%
21	4000	4000	100%
22	4000	4000	100%
23	4000	4000	100%
24	4000	4000	100%

**FEIRO** CONSULTANTS & ENGINEERS  
 1100 N. UNIVERSITY AVENUE, SUITE 100, TAMPA, FL 33606  
 TEL: 813-288-1111 FAX: 813-288-1112  
 WWW.FEIRO.COM

AS PREPARED BY  
 DATE: 08/11/11  
 SHEET NO. 7

In the Unincorporated Territory of Florida State  
**TENTATIVE TRACT MAP NO. 37269**  
 SCHEDULE "A" SUBDIVISION  
 175 RAS SEC 9-565M  
 8300 Ave. Lee S. LOT # 1-31 & 32-37  
 Thermal Beach Club











## Guerin, John

---

**From:** Guerin, John  
**Sent:** Tuesday, June 18, 2019 3:39 PM  
**To:** Melissa Perez  
**Subject:** RE: Case. ZAP1046TH19 (Thermal Beach Club)

As staff, I did not see an issue with this, as long as it is under the applicant's control, since the channel would not be filled with water most of the time.

Note: If the channel is intended to be turned over to CVWD, their consent for use as emergency landing area should be obtained.

**From:** Melissa Perez [mailto:melissa.perez@webbassociates.com]  
**Sent:** Tuesday, June 18, 2019 3:25 PM  
**To:** Guerin, John <JGUERIN@RIVCO.ORG>  
**Subject:** Case. ZAP1046TH19 (Thermal Beach Club)

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Hi John,

During last week's hearing, I believe it was Chairman Manos that brought up a concern regarding the use of the evacuation channel to meet open land requirements. We've reviewed the open land policies and don't see any preclusion of channels to meet open land requirements. Staff did find the plan to be consistent on this, correct? Or did I misunderstand? Thanks John.

**Melissa Perez** - Senior Environmental Planner  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
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## Guerin, John

---

**From:** Melissa Perez <melissa.perez@webbassociates.com>  
**Sent:** Tuesday, May 28, 2019 5:42 PM  
**To:** Guerin, John  
**Subject:** FW: Thermal Beach Club OPEN AREA  
**Attachments:** LLA180034 Recorded Document.pdf

Hi Again!

Here's the LLA I referred to below. The tract map is Parcel B of the attached LLA showing as 117.18 acres.

**Melissa Perez - Senior Environmental Planner**  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

**From:** Melissa Perez  
**Sent:** Tuesday, May 28, 2019 5:32 PM  
**To:** John J.G. Guerin <jguerin@rivco.org>  
**Subject:** Re: Thermal Beach Club OPEN AREA

Hi John,

Thanks for getting back to me! I just met with our team this afternoon. We had a little scheduling conflict this morning. We are working on pulling together an open space exhibit for you and it will be based on a acreage of 117.18. There was a lot line adjustment that was recently recorded so does not reflect on County GIS yet that takes care of the other tract map overlap and provides the southern boundary line of the tentative tract map in review. We've also confirmed that the tract map is wholly in Zone D. I will forward the approved documents to you under separate email.

- Melissa Perez  
Sent from my iPhone

On May 28, 2019, at 4:39 PM, Guerin, John <[JGUERIN@rivco.org](mailto:JGUERIN@rivco.org)> wrote:

Based on Map My County, APN 751-170-034 is 150.53 acres. I have obtained additional information from GIS that APN 751-070-033 splits as follows: 104.21 acres in Zone D, 22.90 acres in Zone E, and 26.67 acres not in AIA. Therefore, the base for determining open area is 254.74 acres (before consideration of the impingement by the approved tentative map) , and the open area requirement in Zone D is 25.47 acres. However, the portion of these two APNs in the approved, unexpired tentative map, as noted, may be excluded from the 254.74 acres in determining the base for the 10 percent requirement.

**From:** Guerin, John  
**Sent:** Friday, May 24, 2019 5:43 PM  
**To:** Melissa Perez <[melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com)>  
**Subject:** RE: Thermal Beach Club OPEN AREA

Thank you.

I notice from the Tentative Tract Map that an additional Tentative Tract Map extends into the two Assessor's parcels. If that tentative tract map was approved and has not expired, the portions of the parcels within that tract may be deleted from the total acreage of the parcels in determining the need for qualifying open area. Also, land in Zone E and outside the AIA should be excluded from the total acreage in determining the open area requirement. On the negative side, the land set aside to meet the open area requirement would have to be located in Zone D only. That 22.81 acre area might be wholly or partially in Zone E(?).

**From:** Melissa Perez [<mailto:melissa.perez@webbassociates.com>]  
**Sent:** Friday, May 24, 2019 4:48 PM  
**To:** Guerin, John <[JGUERIN@RIVCO.ORG](mailto:JGUERIN@RIVCO.ORG)>  
**Subject:** RE: Thermal Beach Club OPEN AREA

Hi John,

I will meet with our team Tuesday to come up with an exhibit for you use identifying open space areas.

**Melissa Perez** - Senior Environmental Planner  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

**From:** Guerin, John [<mailto:JGUERIN@RIVCO.ORG>]  
**Sent:** Friday, May 24, 2019 3:38 PM  
**To:** Melissa Perez <[melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com)>  
**Subject:** RE: Thermal Beach Club OPEN AREA

Next week is fine for the plans...

Next item of concern is open area. Zone D requires 10 percent of land be set aside as open area. Our Director has advised that water bodies do not qualify as open area for emergency landing purposes, as many types of aircraft would go down quickly. The two Assessor's parcels involved in this application have a combined area of 307.12 acres per Map My County. Some of this land is in Zone E, but I'm not sure how much. We'll check with the GIS folks.

Would it be possible to depict ALUC-qualifying open areas that would be permanently retained as such on a copy of the tract map exhibits?

As a start, if the landowner is willing to maintain the area southeasterly of the tract area within the southerly parcel as open area, that would provide 22.81 acres [(1320 feet N to S x1500 feet E to W), divided by 2], so you'd only have to search for 7.9 acres elsewhere in the two-parcel area.

**From:** Melissa Perez [<mailto:melissa.perez@webbassociates.com>]  
**Sent:** Thursday, May 23, 2019 3:20 PM  
**To:** Guerin, John <[JGUERIN@RIVCO.ORG](mailto:JGUERIN@RIVCO.ORG)>  
**Subject:** RE: Thermal Beach Club

Great! Will early next week suffice or do you need sooner?

**Melissa Perez - Senior Environmental Planner**  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

**From:** Guerin, John [<mailto:JGUERIN@RIVCO.ORG>]  
**Sent:** Thursday, May 23, 2019 3:17 PM  
**To:** Melissa Perez <[melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com)>  
**Subject:** RE: Thermal Beach Club

Thank you. For our records, we will want a copy of the full-size amended plans (4 sheets) when the revision is complete.

**From:** Melissa Perez [<mailto:melissa.perez@webbassociates.com>]  
**Sent:** Thursday, May 23, 2019 1:37 PM  
**To:** Guerin, John <[JGUERIN@RIVCO.ORG](mailto:JGUERIN@RIVCO.ORG)>  
**Subject:** Thermal Beach Club

**CAUTION:** This email originated externally from the **Riverside County** email system.  
**DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hi John,

I have attached an updated plot plan for you which removes the lot line and amphitheater. This area will instead be utilized as a planter and walkway area. To ensure we could get this to you today, the call out for amphitheater has been removed and replaced with "proposed planter area."

We have confirmed the intent of the duplex and 4-plex ownership. These will be retained under Thermal Beach Club ownership to be rented out. These will not be for sale to individual owners. Let me know if you need anything else on this.

When a copy of the staff report is available, can we get a copy? Thanks!

**Melissa Perez - Senior Environmental Planner**  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
[LinkedIn](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)



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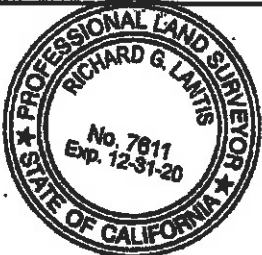
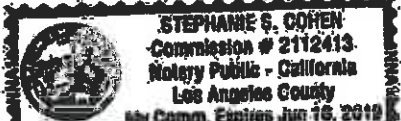
**Confidentiality Disclaimer**

RECORDING REQUESTED BY  
**RIVERSIDE COUNTY**  
 When recorded, return to:  
 Riverside County Transportation Department  
 8<sup>th</sup> Floor County Administrative Center  
 4080 Lemon Street, Riverside, CA 92502-1408  
 Mail Stop # 1080

**DOC # 2019-0101168**  
 03/26/2019 04:07 PM Fees: \$146.00  
 Page 1 of 20  
 Recorded in Official Records  
 County of Riverside  
 Peter Aldana  
 Assessor-County Clerk-Recorder

\*\*This document was electronically submitted to the County of Riverside for recording\*\*  
 Received by: MARIA #309

No Fee, 6103 Government Code  
 Benefit of Riverside County Transportation Dept.

NOTICE OF LOT LINE ADJUSTMENT NO. <b>180034</b>	
<b>RECORD OWNERS</b>	<b>EXISTING PARCELS (Assessor Parcel Numbers)</b>
Kohl Ranch Company, LLC	751-070-033
Kohl Ranch Company, LLC	751-070-034
<b>LEGAL DESCRIPTION OF ADJUSTED PARCELS</b> See attached Legal Description - Exhibit "A"	
<b>SIGNATURE(S) OF RECORDED OWNER(S) (Must be Notarized)</b>	
Print Name/Title: David Kohl	Signature: <i>[Signature]</i>
Print Name/Title: David Kohl	Signature: <i>[Signature]</i>
Print Name/Title:	Signature:
Print Name/Title:	Signature:
<b>RIVERSIDE COUNTY SURVEYOR'S APPROVAL</b>	
This document reviewed and approved by Riverside County Surveyor.	
	
BY: <i>[Signature]</i> Date: <b>3-25-19</b>	
<b>NOTARY ACKNOWLEDGEMENT</b>	
STATE OF CALIFORNIA	A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
COUNTY OF <u>Los Angeles</u>	
On <u>August 31, 2018</u> before me, <u>Stephanie S. Cohen, Notary Public</u>	
personally appeared <u>David Kohl</u>	
(Name(s) of Signer(s))	
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.	
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.	
WITNESS my hand and official seal	
<i>[Signature]</i> Notary Public	



**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND**  
**LAND MANAGEMENT AGENCY**

*Patricia Romo, P.E.*  
*Director of Transportation*

**Transportation Department**

*Mojahed Salama, P.E.*  
*Deputy for Transportation/Capital Projects*  
*Richard Lantis, P.L.S.*  
*Deputy for Transportation/Planning and*  
*Development*


Case Number: LLA180034

Date: 3/22/2019

**Riverside County Surveyor's Office**

**Riverside County Surveyor's Office**

  
SIGNATURE

Attest:  
  
SIGNATURE

Dennis Odenbaugh  
PRINTED NAME

Noah Lewis  
PRINTED NAME

Senior Land Surveyor  
TITLE

Engineering Technician II  
TITLE

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LOT LINE ADJUSTMENT NO. 180034**

---

**PARCEL A**

That portion of Section 9, Township 7 South, Range 8 East, San Bernardino Meridian, in the County of Riverside, State of California, being described as follows:

**COMMENCING** at the intersection of the centerline of 64<sup>th</sup> Avenue (60.00 feet in full width) with the centerline of Tyler Street (60.00 feet in full width), being the northwest quarter corner of said Section 9;

**Thence** leaving said intersection South 00°33'55" East along the west line of said northwest quarter of Section 9, said west line also being the centerline of said Tyler Street, a distance of 130.00 feet to the **TRUE POINT OF BEGINNING**;

**Thence** continuing South 00°33'55" East along said centerline of Tyler Street, a distance of 2529.88 feet, to the southwest corner of the northwest quarter of said Section 9;

**Thence** North 89°34'23" East along the south line of said northwest quarter and the south line of the northeast quarter of said Section 9, a distance of 2866.48 feet to a point thereon, said point being on a non-tangent curve, concave southeasterly, having a radius of 2039.00 feet, a radial line to said point bears North 77°33'44" West;

**Thence** northeasterly along said curve, to the right, through a central angle of 15°46'29", an arc distance of 561.38 feet;

**Thence** North 28°12'44" East, a distance of 1146.98 feet to the beginning of a tangent curve, concave westerly, having a radius of 1361.00 feet;

**Thence** northeasterly along said curve, to the left, through a central angle of 28°46'23", an arc distance of 683.47 feet;

**Thence** North 00°33'39" West, a distance of 346.13 feet to a point North 89°26'23" East, a distance of 1157.80 feet and 130.00 feet southerly from the north quarter corner of said Section 9, said point being on a line parallel with and distant southerly 130.00 feet, measured at a right angle, from said centerline of 64<sup>th</sup> Avenue and the north line of the northeast quarter of said Section 9;

**Thence** South 89°26'23" West along said parallel line, a distance of 1157.80 feet to a point on the east line of said northwest one quarter of Section 9, said point being on a line parallel with and distant southerly 130.00 feet, measured at a right angle, from the north line of said northwest quarter;

**Thence** South 89°35'41" West along said parallel line, a distance of 2628.50 feet to the **TRUE POINT OF BEGINNING**.

Containing 198.78 Acres, more or less.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LOT LINE ADJUSTMENT NO. 180034**

---

**PARCEL B**

That portion of Section 9, Township 7 South, Range 8 East, San Bernardino Meridian, in the County of Riverside, State of California, being described as follows:

**COMMENCING** at the intersection of the centerline of 64<sup>th</sup> Avenue (60.00 feet in full width) with the centerline of Tyler Street (60.00 feet in full width), being the northwest corner of the northwest quarter corner of said Section 9;

**Thence** leaving said intersection South 00°33'55" East along the west line of said northwest quarter of Section 9, said west line also being the centerline of said Tyler Street, a distance of 130.00 feet to a point on a line parallel with and distant southerly 130.00 feet, measured at a right angle, from the north line of said northwest quarter of Section 9;

**Thence** North 89°35'41" East along said parallel line, a distance of 2628.50 feet to a point on the east line of the northeast quarter of said Section 9, said point also being on a line parallel with and distant southerly 130.00 feet, measured at a right angle, from the north line of the northeast quarter of said Section 9;

**Thence** North 89°26'23" East along said parallel line, a distance of 1157.80 feet to the **TRUE POINT OF BEGINNING**;

**Thence** continuing North 89°26'23" East along said parallel line, a distance of 1469.77 feet to a point on the east line of said northeast quarter of Section 9, said point being South 00°18'09" East 130.00 feet from the northeast corner of said northeast quarter of Section 9;

**Thence** South 00°18'19" East along said east line of the northeast quarter of Section 9, a distance of 1746.08 feet, to a point thereon;

**Thence** South 48°19'27" West, a distance of 2259.12 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 503.00 feet;

**Thence** southwesterly, westerly and northwesterly along said curve, to the right, through a central angle of 93°15'22", an arc distance of 818.70 feet to a point, a radial line to said point bears South 51°34'49" West;

**Thence** North 02°05'04" West, a distance of 119.14 feet to the beginning of a tangent curve, concave southeasterly, having a radius of 2039.00 feet;

**Thence** northerly and northeasterly along said curve, to the right, through a central angle of 30°17'49", an arc distance of 1078.18 feet;

**Thence** North 28°12'44" East, a distance of 1146.98 feet to the beginning of a tangent curve, concave northwesterly, having a radius of 1361.00 feet;

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LOT LINE ADJUSTMENT NO. 180034**

---

**Thence** northeasterly and northerly along said curve, to the left, through a central angle of 28°46'23", an arc distance of 683.47 feet;

**Thence** North 00°33'39" West, a distance of 346.13 feet to the **TRUE POINT OF BEGINNING**.

**EXCEPTING** therefrom that portion conveyed to Coachella Valley Water District by Grant Deed recorded April 16, 2004 as Instrument No. 2004-276701 of Official Records of Riverside County, California.

Containing 117.18 Acres, more or less.

**PARCEL C**

That portion of Section 9, Township 7 South, Range 8 East, San Bernardino Meridian, in the County of Riverside, State of California, being described as follows:

**COMMENCING** at the intersection of the centerline of 64<sup>th</sup> Avenue (60.00 feet in full width) with the centerline of Tyler Street (60.00 feet in full width), being the northwest quarter corner of said Section 9;

**Thence** leaving said intersection South 00°33'55" East along the west line of said northwest quarter of Section 9, said west line also being the centerline of said Tyler Street, a distance of 2659.88 feet to the **TRUE POINT OF BEGINNING**, said point being the northwest corner of the southwest quarter of said Section 9;

**Thence** North 89°34'23" East along the north line of said southwest quarter and along the north line of the southeast quarter of said Section 9, a distance of 2866.48 feet to a point thereon, said point being on a non-tangent curve, concave to the southeast, having a radius of 2039.00 feet, a radial line to said point bears North 77°33'44" West;

**Thence** southwesterly and southerly along said curve, to the left, through a central angle of 14°31'20", an arc distance of 516.80 feet;

**Thence** South 2°05'40" East, a distance of 475.22 feet to the beginning of a tangent curve, concave westerly, having a radius of 3061.00 feet;

**Thence** southerly along said curve, to the right, through a central angle of 6°12'29", an arc distance of 331.66 feet to the beginning of a reverse curve, concave easterly, having a radius of 1139.00 feet, a radial line to said point bears North 85°52'35" West;



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LOT LINE ADJUSTMENT NO. 180034**

---

Thence southerly and southeasterly along said curve, to the left, through a central angle of 29°57'48", an arc distance of 595.65 feet to the beginning of a reverse curve, concave westerly, having a radius of 1161.00 feet, a radial line to said point bears North 64°09'37" East;

Thence southeasterly and southerly along said curve, to the right, through a central angle of 25°28'15", an arc distance of 516.12 feet;

Thence South 00°22'08" East, a distance of 264.86 feet to a point on the south line of the southeast quarter of said Section 9 lying North 89°37'52" East a distance of 417.95 feet from the south quarter corner thereof, said south line also being the centerline of 66<sup>th</sup> Avenue;

Thence South 89°37'52" West along said south line and along said centerline, a distance of 417.95 feet to the southeast corner of said southwest quarter of Section 9;

Thence leaving said centerline and said south line of the southeast quarter of Section 9, North 00°25'50" West along the east line of said southwest quarter, a distance of 1331.18 feet to the southeast corner of the north half of the said southwest quarter of Section 9;

Thence South 89°36'01" West along the south line of said north half, a distance of 688.83 feet to a point on the northeasterly line of that certain parcel conveyed to Coachella Valley Unified School District by Grant Deed recorded December 4, 1998 as Instrument No. 528979, Official Records of Riverside County, California;

Thence North 45°22'24" West along said northeasterly line of said parcel so conveyed, a distance of 452.76 feet to the beginning of a tangent curve, concave to the northeast, having a radius of 1100.00 feet;

Thence northwesterly along said northeasterly line and along said curve, to the right, through a central angle of 36°48'34", an arc distance of 706.69 feet;

Thence North 08°33'50" West continuing along said northeasterly line, a distance of 181.00 feet to the northerly line of said parcel so conveyed to Coachella Valley Unified School District;

Thence North 89°26'10" East along the northerly line of said parcel conveyed to Coachella Valley School District, a distance of 1277.00 feet to the west line of said southwest quarter of Section 9;

Thence North 00°33'50" West along said west line, a distance of 212.89 feet to the northwest corner of the southwest quarter of said Section 9 to the **TRUE POINT OF BEGINNING**.

Containing 57.74 Acres, more or less.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LOT LINE ADJUSTMENT NO. 180034**

---

**PARCEL D**

That portion of Section 9, Township 7 South, Range 8 East, San Bernardino Meridian, in the County of Riverside, State of California, being described as follows

**COMMENCING** at the southwest corner of the southeast quarter of said Section 9, said corner being on the centerline of 66<sup>th</sup> Avenue (60.00 feet in full width);

**Thence** North 89°37'52" East along the south line of said southeast quarter and along said centerline of 66<sup>th</sup> Avenue, a distance of 417.95 feet to the **TRUE POINT OF BEGINNING**;

**Thence** continuing North 89°37'52" East along said south line of said southeast quarter and along said centerline, a distance of 2198.41 feet to the southeast corner of said southeast quarter of Section 9, said corner being on the centerline of Polk Street (94.00 feet in full width);

**Thence** North 00°18'06" West along the east line of said southeast quarter and along the east line of the northeast quarter of Section 9 and along said centerline of Polk Street, a distance of 3453.94 feet to a point thereon, said point being South 00°18'06" East 1876.08 feet from the northeast corner of said northeast quarter of said Section 9;

**Thence** leaving said east line of the northeast quarter South 48°19'27" West, a distance of 2259.12 feet to the beginning of a tangent curve, concave northeasterly, having a radius of 503.00 feet;

**Thence** southwesterly, westerly and northwesterly along said curve, to the right, through a central angle of 93°15'22", an arc distance of 818.70 feet to a point, a radial line to said point bears South 51°34'49" West;

**Thence** South 2°05'04" East, a distance of 356.08 feet to the beginning of a tangent curve, concave westerly, having a radius of 3061.00 feet;

**Thence** southerly along said curve, to the right, through a central angle of 6°12'29", an arc distance of 331.66 feet to the beginning of a reverse curve, concave easterly, having a radius of 1139.00 feet, a radial line to said point bears North 85°52'35" West;

**Thence** southerly and southeasterly along said curve, to the left, through a central angle of 29°57'48", an arc distance of 595.65 feet to the beginning of a reverse curve, concave westerly, having a radius of 1161.00 feet, a radial line to said point bears North 64°09'37" East;

**Thence** southeasterly and southerly along said curve, to the right, through a central angle of 25°28'15", an arc distance of 516.12 feet;

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LOT LINE ADJUSTMENT NO. 180034**

---

**Thence South 00°22'08" East, a distance of 264.86 feet to the TRUE POINT OF BEGINNING.**

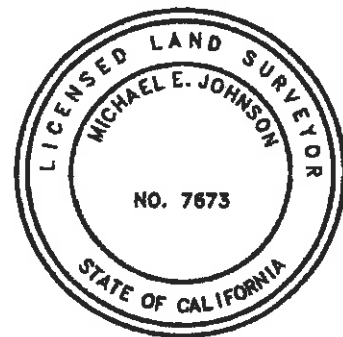
Containing 132.90 Acres, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

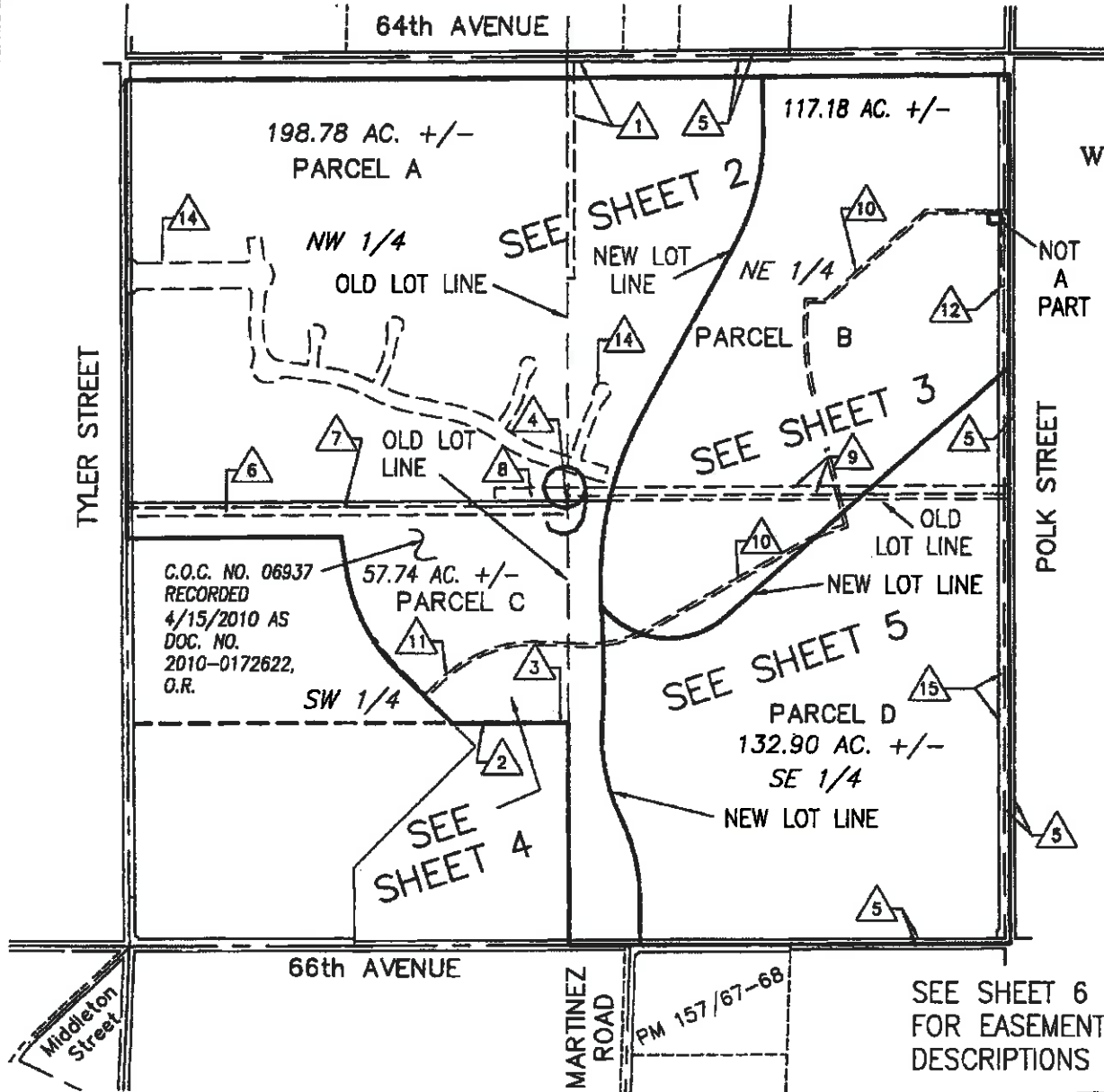
*mej*  
Michael E. Johnson, L.S. 7673

2/15/19  
Date



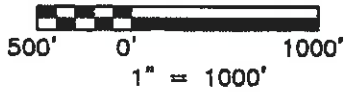
Prepared By: *LB*  
Checked By: *mej*

**EXHIBIT "B" - MAP**  
**LOT LINE ADJUSTMENT NO. LLA 180034**



**LEGEND**

- INDICATES NEW LOT LINE
- - - - - INDICATES OLD LOT LINE
- · - · - INDICATES EASEMENT LINE
- INDICATES EXISTING LOT LINE TO REMAIN



**ALBERT A.**  
**WEBB**  
**ASSOCIATES**

THE PROPOSED LOT LINE WILL NOT LATERALLY INTERSECT A GRADED MANUFACTURED SLOPE. NO DRAINAGE FROM THE TRIBUTARY AREA ABOVE A MANUFACTURED SLOPE WILL SHEET FLOW OVER THE SLOPE FACE.

Scale: 1" = 1000'  
 Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034  
 Section 9, Township 7 South, Range 8 East  
 Date Exhibit Prepared: 6/28/2018

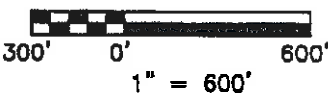
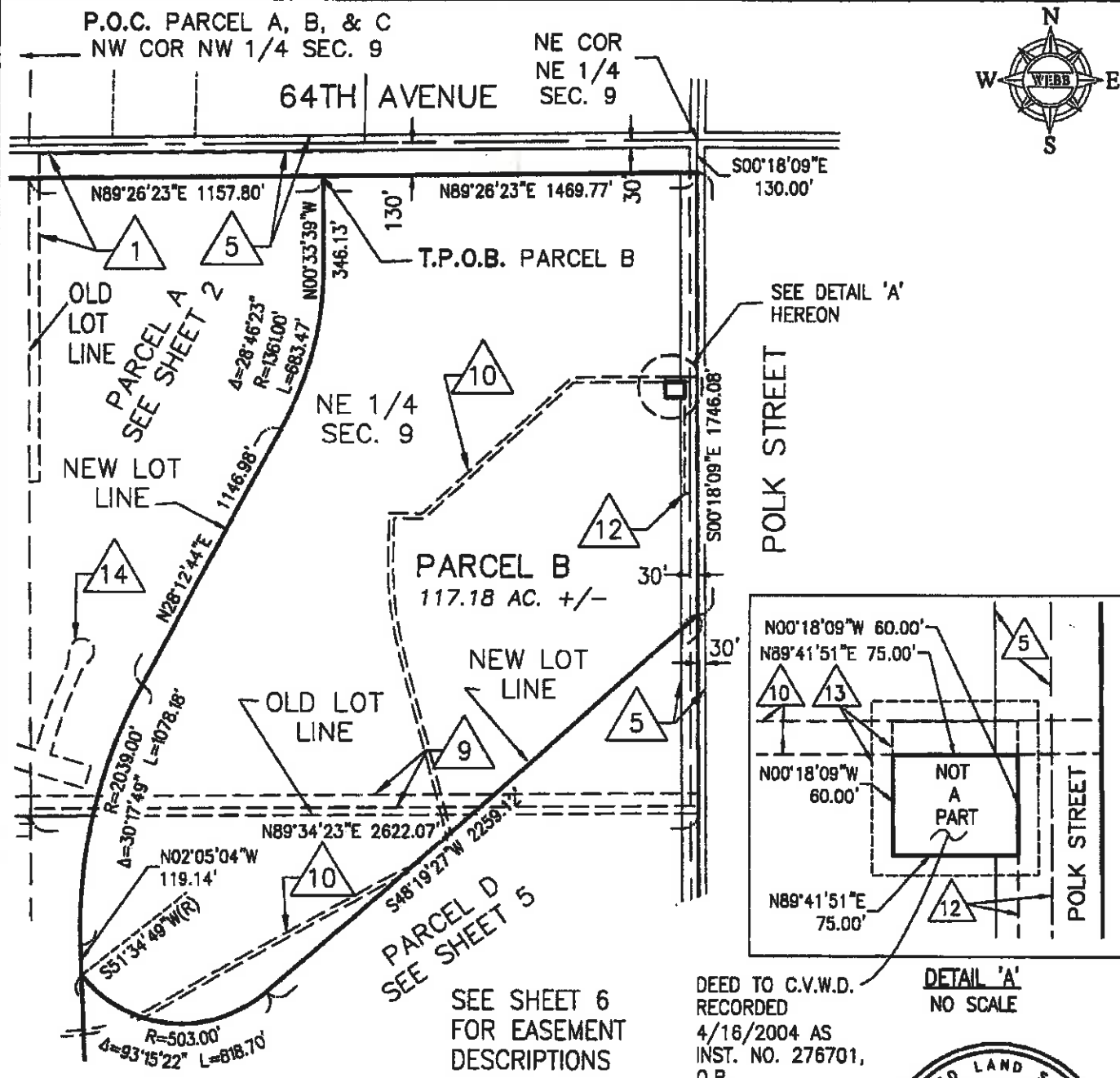


2/19/19  
 DATE



# EXHIBIT "B" - MAP

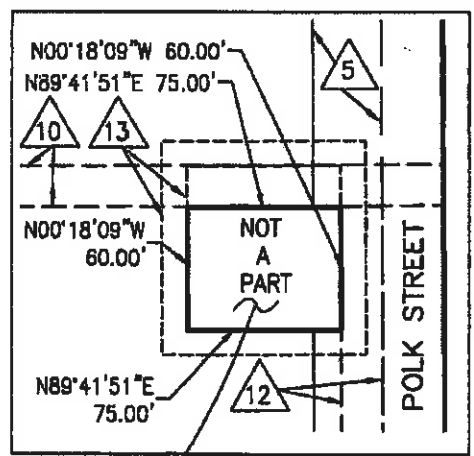
## LOT LINE ADJUSTMENT NO. LLA 180034



**ALBERT A. WEBB**  
ASSOCIATES

Scale: 1" = 600'  
Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034  
Section 9, Township 7 South, Range 8 East  
Date Exhibit Prepared: 6/28/2018

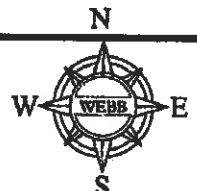
- LEGEND
- INDICATES NEW LOT LINE
  - - - - - INDICATES OLD LOT LINE
  - - - - - INDICATES EASEMENT LINE
  - INDICATES EXISTING LOT LINE TO REMAIN



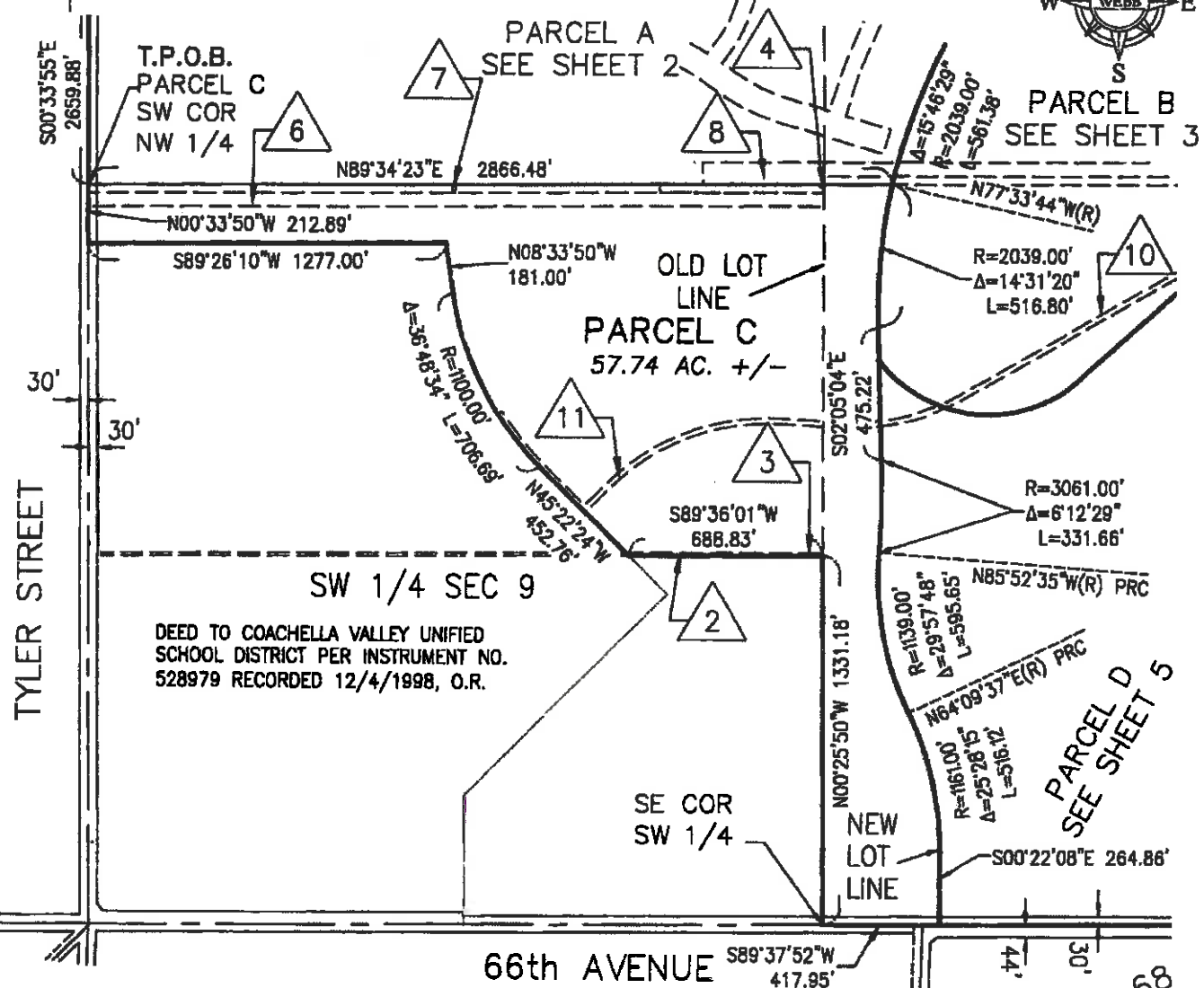
2/15/19  
DATE

# EXHIBIT "B" - MAP

## LOT LINE ADJUSTMENT NO. LLA 180034



P.O.C. PARCEL A, B & C  
NW COR NW 1/4 SEC. 9



TYLER STREET

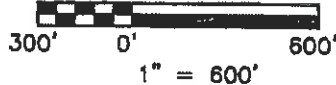
66th AVENUE

SEE SHEET 6  
FOR EASEMENT  
DESCRIPTIONS

**LEGEND**

- INDICATES NEW LOT LINE
- INDICATES OLD LOT LINE
- INDICATES EASEMENT LINE
- INDICATES EXISTING LOT LINE TO REMAIN

**ALBERT A. WEBB**  
ASSOCIATES



2/15/19  
DATE

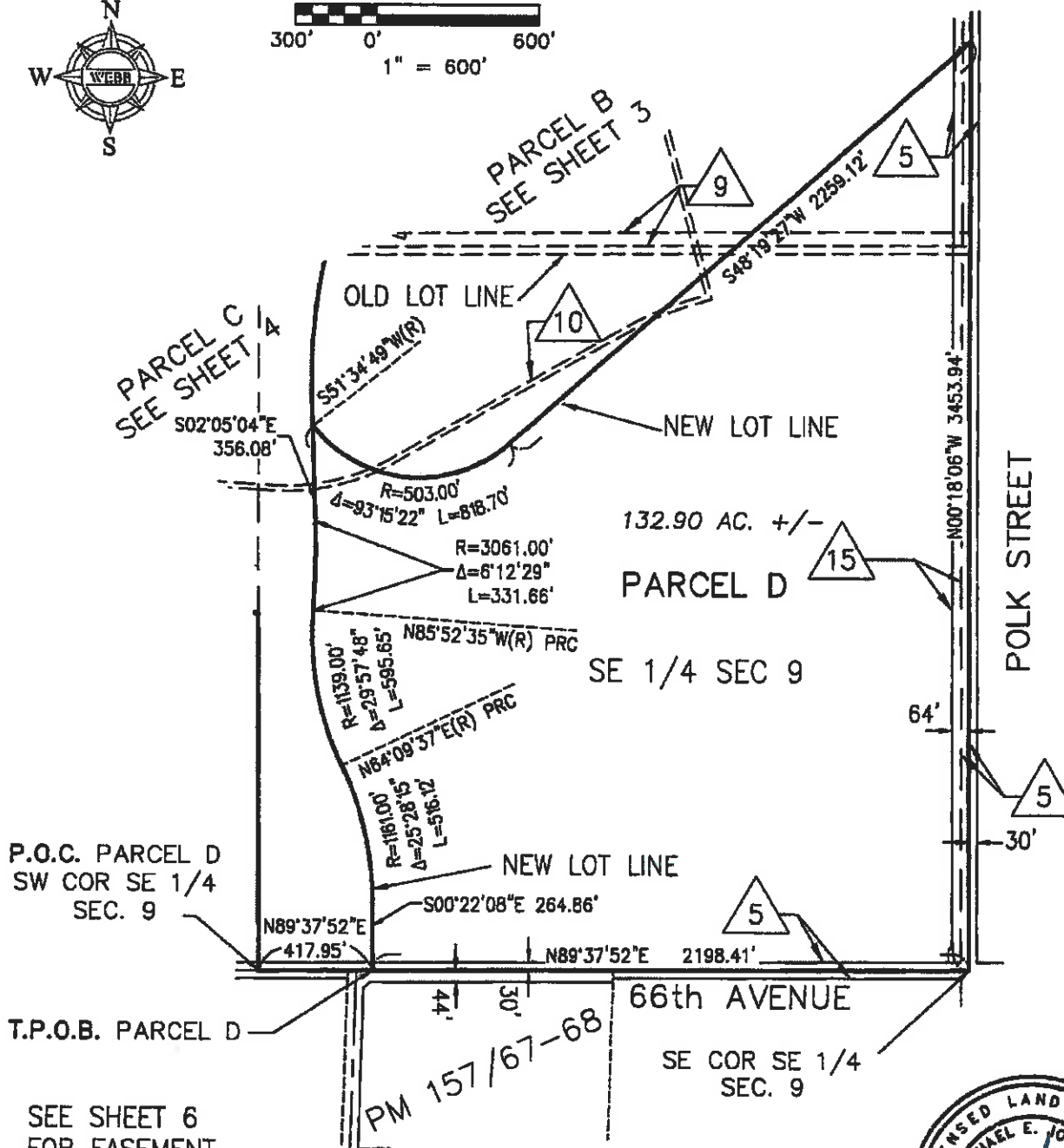
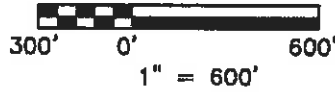
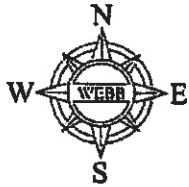
Scale: 1" = 600'  
Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034  
Section 9, Township 7 South, Range 8 East  
Date Exhibit Prepared: 6/28/2018

SHEET 4 OF 6



# EXHIBIT "B" - MAP

## LOT LINE ADJUSTMENT NO. LLA 180034



P.O.C. PARCEL D  
SW COR SE 1/4  
SEC. 9

T.P.O.B. PARCEL D

SEE SHEET 6  
FOR EASEMENT  
DESCRIPTIONS

ALBERT A.  
**WEBB**  
ASSOCIATES

Scale: 1" = 600'  
Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034  
Section 9, Township 7 South, Range 8 East  
Date Exhibit Prepared: 6/28/2018

- LEGEND
- INDICATES NEW LOT LINE
  - INDICATES OLD LOT LINE
  - INDICATES EASEMENT LINE
  - INDICATES EXISTING LOT LINE TO REMAIN



2/15/19  
DATE

SHEET 5 OF 6



**EXHIBIT "B" - MAP**  
**LOT LINE ADJUSTMENT NO. LLA 180034**

EASEMENT NOTES

1. EASEMENT TO C.V.W.D. FOR IRRIGATION, DRAINAGE AND STORM WATER PROTECTION WORKS AND CANALS RECORDED 6/21/940 IN BOOK 466 PAGE 339, O.R. CANNOT BE LOCATED FROM THE RECORD.
- 2 C/L 10' EASEMENT TO U.S.A. FOR WATERLINE PURPOSES RECORDED 3/21/1949 IN BOOK 1061 PAGE 15, O.R.
- 3 10'x70' IRRIGATION EASEMENT TO U.S.A. RECORDED 8/1/1949 IN BOOK 1098 PAGE 417, O.R.
- 4 IRRIGATION DISTRIBUTION EASEMENT TO U.S.A. RECORDED 1/17/1950 IN BOOK 1139 PAGE 365, O.R.
- 5 60' PUBLIC HIGHWAY PER INSTRUMENT NO. 32692 RECORDED 4/17/1959, O.R.
- 6 WATER DISTRIBUTION FACILITIES AND PERMANENT UNDERGROUND PIPELINE EASEMENT TO C.V.W.D. RECORDED 4/26/1965, AS INST. NO. 47983, O.R.
- 7 10'X30' PIPELINE EASEMENT TO SUSAN TOCCHINI RECORDED 4/2/1965 AS INST. NO. 88802, O.R.
- 8 50' PIPELINE EASEMENT TO C.V.W.D. PER INST. #70394, REC. 6/17/1965, O.R.
- 9 50' PIPELINE EASEMENT TO C.V.W.D. PER INST. #70395, REC. 6/17/1965, O.R.
- 10 20' SEWER EASEMENT TO C.V.W.D. PER INST. #2003-873775, REC. 11/04/2003, O.R.
- 11 20' SEWER EASEMENT TO C.V.W.D. PER INST. #2003-873777, REC. 11/04/2003, O.R.
- 12 20' POWER EASEMENT TO I.I.D. PER INST. #2004-131462, REC. 02/26/2004, O.R.
- 13 12' SLOPE EASEMENT TO C.V.W.D. PER INST. #2004-276699, REC. 04/16/2004, O.R.
- 14 WATER, SEWER & IRRIGATION EASEMENT TO COACHELLA VALLEY WATER DIST. PER INST. #2006-0685526, REC. 09/15/2006, O.R.
- 15 PUBLIC ROAD AND UTILITY EASEMENT TO RIVERSIDE COUNTY PER INST. #2010-0402681 RECORDED 8/24/2010, O.R.

ALBERT A.  
**WEBB**  
ASSOCIATES

Scale: 1" = 600'

Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034

Section 9, Township 7 South, Range 8 East

Date Exhibit Prepared: 6/28/2018

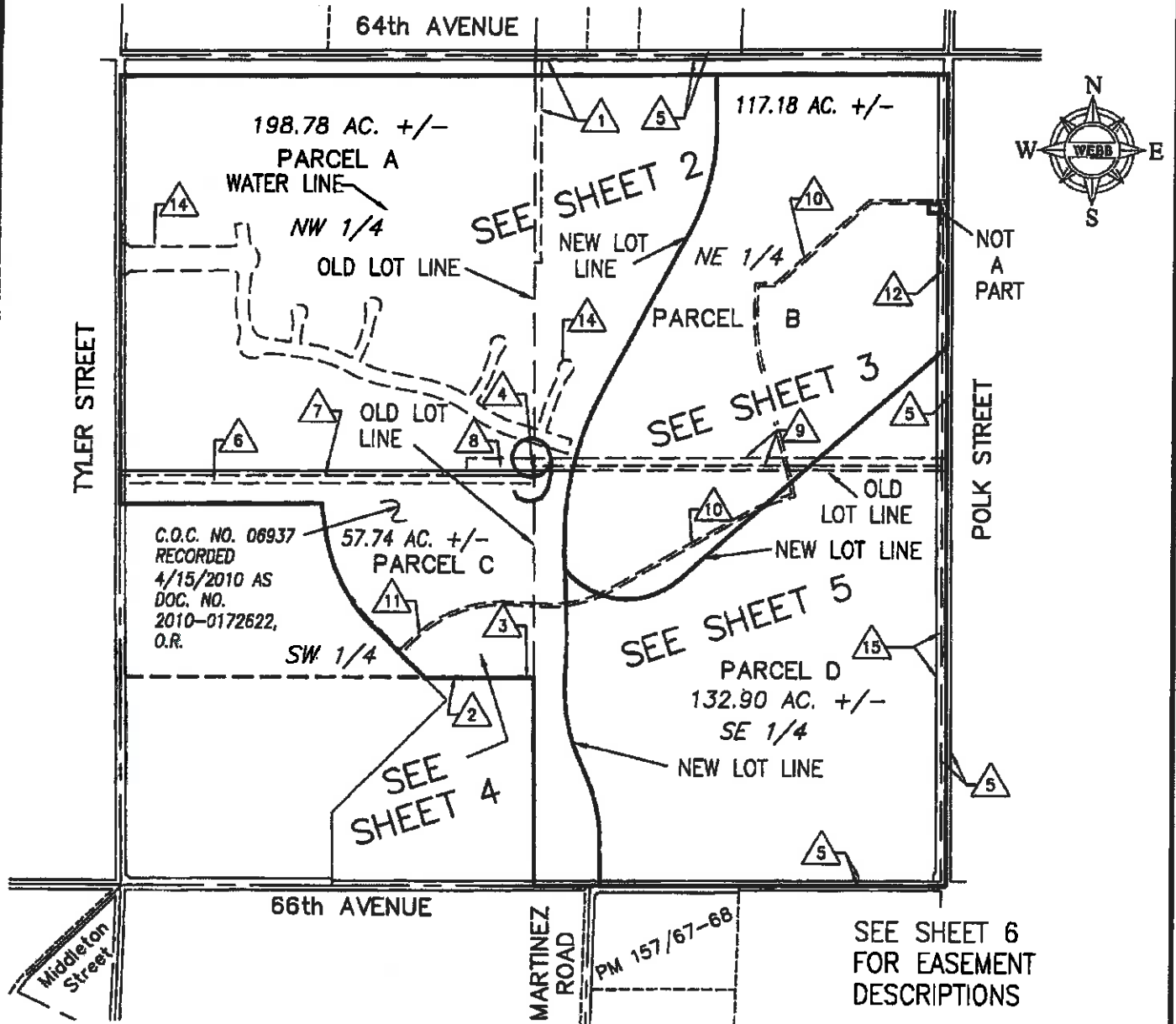


2/15/19  
DATE

SHEET 6 OF 6

# EXHIBIT "C" - SITE PLAN

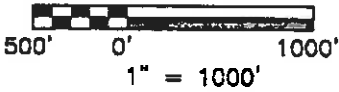
## LOT LINE ADJUSTMENT NO. LLA 180034



C.O.C. NO. 06937  
RECORDED  
4/15/2010 AS  
DOC. NO.  
2010-0172622,  
O.R.

**LEGEND**

- INDICATES NEW LOT LINE
- - - INDICATES OLD LOT LINE
- - - INDICATES EASEMENT LINE
- INDICATES EXISTING LOT LINE TO REMAIN



2/15/19  
DATE

SHEET 1 OF 6

**ALBERT A. WEBB ASSOCIATES**

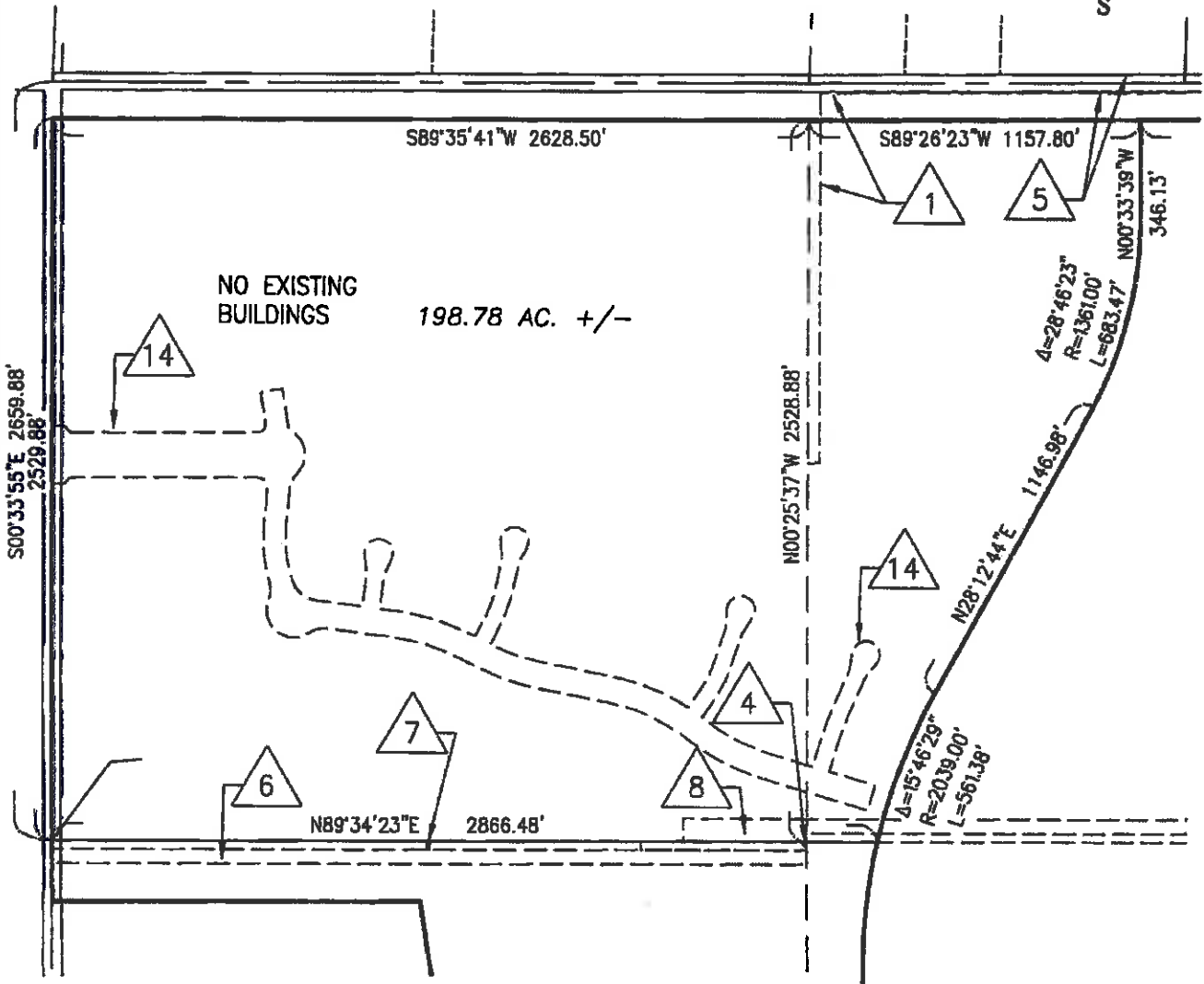
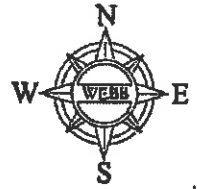
THE PROPOSED LOT LINE WILL NOT LATERALLY INTERSECT A GRADED MANUFACTURED SLOPE. NO DRAINAGE FROM THE TRIBUTARY AREA ABOVE A MANUFACTURED SLOPE WILL SHEET FLOW OVER THE SLOPE FACE.

Scale: 1" = 1000'  
Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034  
Section 9, Township 7 South, Range 8 East  
Date Exhibit Prepared: 6/28/2018

SEE SHEET 6 FOR EASEMENT DESCRIPTIONS

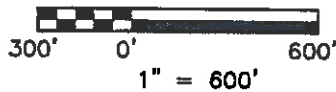
# EXHIBIT "C" - SITE PLAN

## LOT LINE ADJUSTMENT NO. LLA 180034



**LEGEND**

- INDICATES NEW LOT LINE
- INDICATES OLD LOT LINE
- - - INDICATES EASEMENT LINE
- INDICATES EXISTING LOT LINE TO REMAIN



ALBERT A.  
**WEBB**  
 ASSOCIATES

SEE SHEET 6  
 FOR EASEMENT  
 DESCRIPTIONS



2/15/19  
 DATE

SHEET 2 OF 6

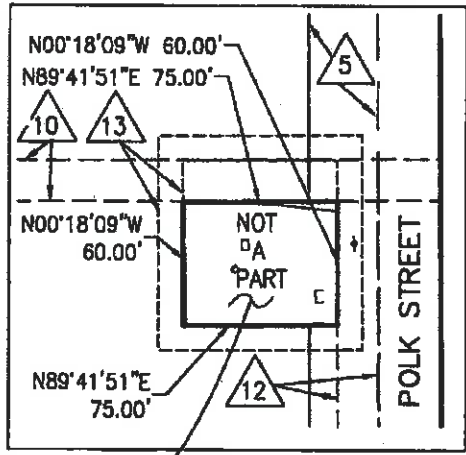
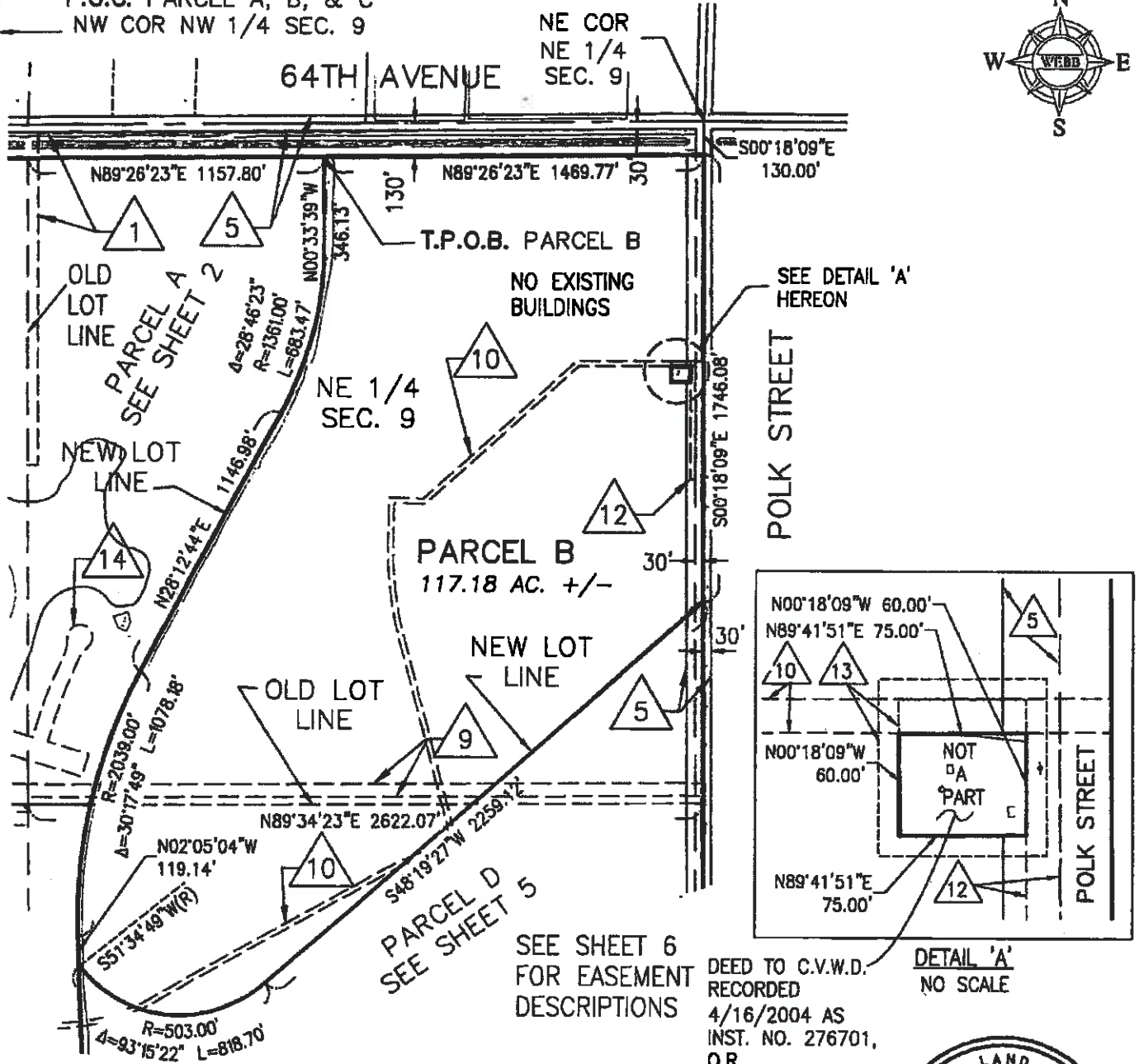
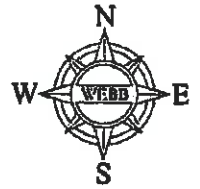
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 Section 9, Township 7 South, Range 8 East  
 Date Exhibit Prepared: 6/28/2018

# EXHIBIT "C" - SITE PLAN

## LOT LINE ADJUSTMENT NO. LLA 180034

P.O.C. PARCEL A, B, & C  
NW COR NW 1/4 SEC. 9

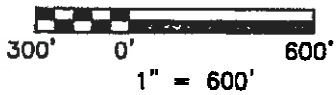
NE COR  
NE 1/4  
SEC. 9



SEE SHEET 6  
FOR EASEMENT  
DESCRIPTIONS

DEED TO C.V.W.D.  
RECORDED  
4/16/2004 AS  
INST. NO. 276701,  
O.R.

DETAIL 'A'  
NO SCALE



ALBERT A.  
**WEBB**  
ASSOCIATES

- LEGEND
- INDICATES NEW LOT LINE
  - INDICATES OLD LOT LINE
  - INDICATES EASEMENT LINE
  - INDICATES EXISTING LOT LINE TO REMAIN



2/15/19  
DATE

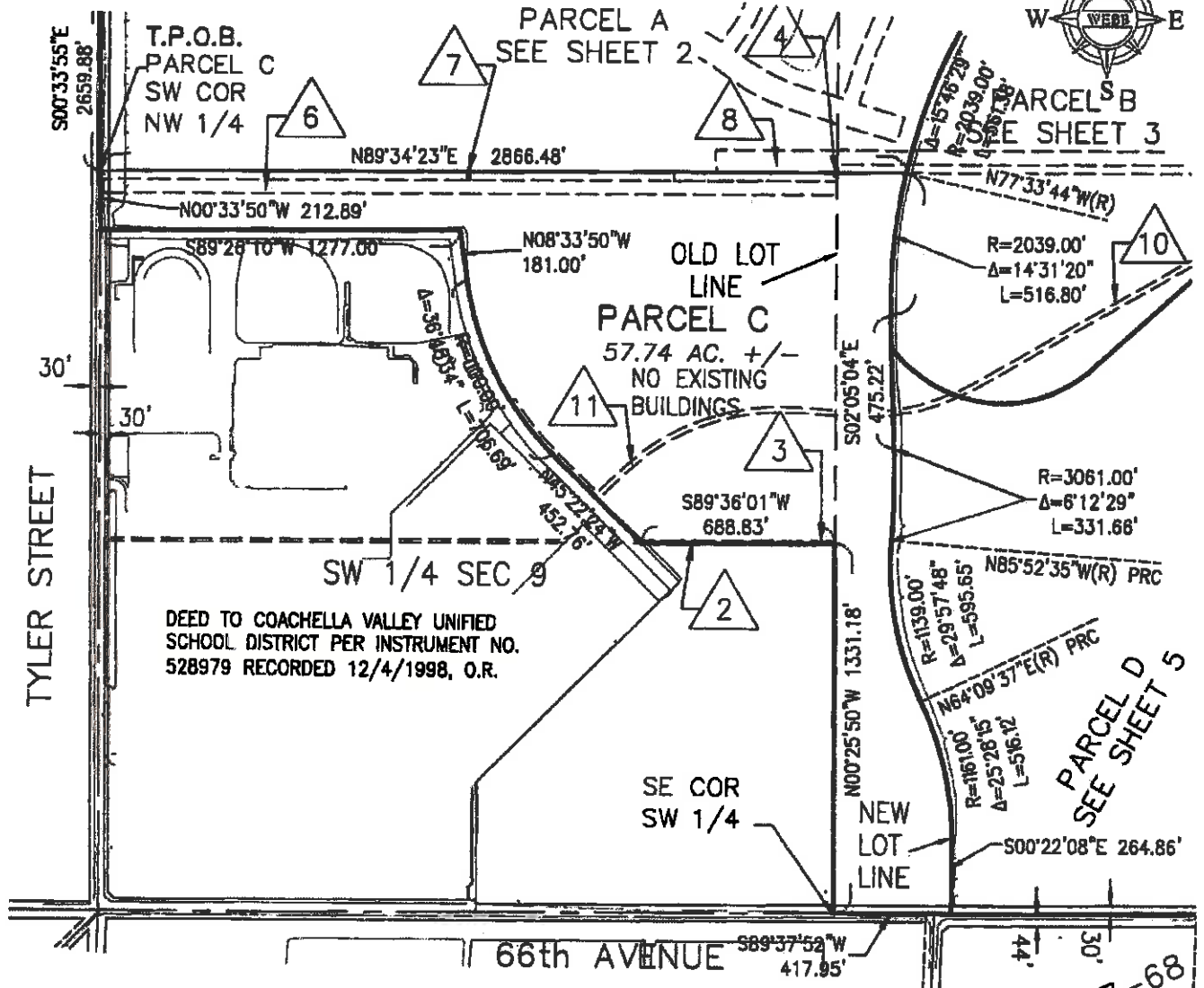
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Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034  
Section 9, Township 7 South, Range 8 East  
Date Exhibit Prepared: 6/28/2018

SHEET 3 OF 6

# EXHIBIT "C" - SITE PLAN

## LOT LINE ADJUSTMENT NO. LLA 180034

P.O.C. PARCEL A, B & C  
NW COR NW 1/4 SEC. 9

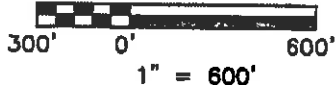


SEE SHEET 6  
FOR EASEMENT  
DESCRIPTIONS

**LEGEND**

- INDICATES NEW LOT LINE
- INDICATES OLD LOT LINE
- - - - - INDICATES EASEMENT LINE
- INDICATES EXISTING LOT LINE TO REMAIN

**ALBERT A. WEBB ASSOCIATES**

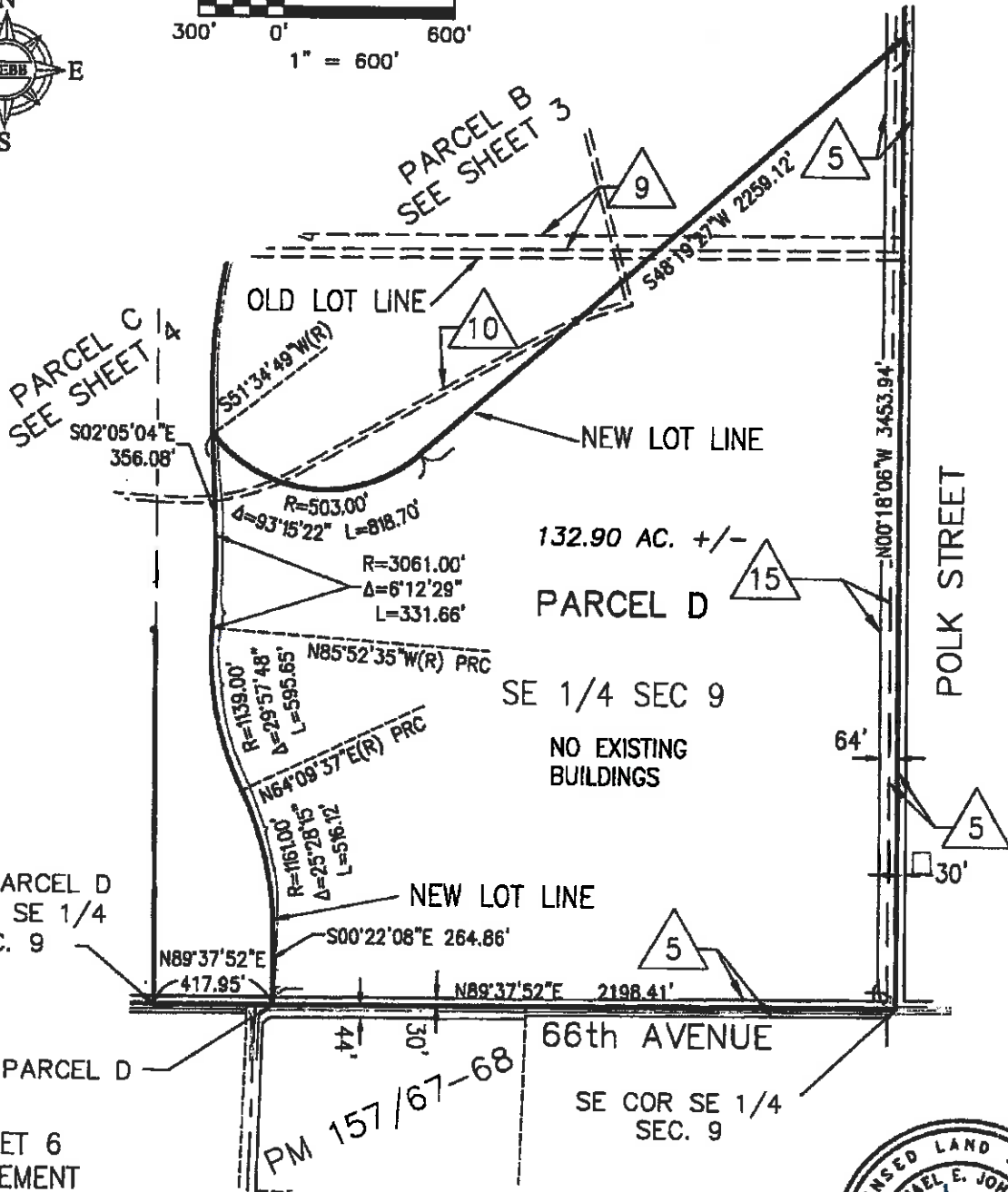
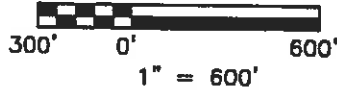
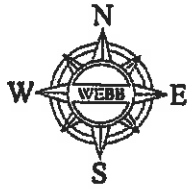


Scale: 1" = 600'  
Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034  
Section 9, Township 7 South, Range 8 East  
Date Exhibit Prepared: 6/28/2018

DATE 2/15/19  
SHEET 4 OF 6

# EXHIBIT "C" - SITE PLAN

## LOT LINE ADJUSTMENT NO. LLA 180034



P.O.C. PARCEL D  
SW COR SE 1/4  
SEC. 9

T.P.O.B. PARCEL D

SEE SHEET 6  
FOR EASEMENT  
DESCRIPTIONS

**LEGEND**

- INDICATES NEW LOT LINE
- INDICATES OLD LOT LINE
- INDICATES EASEMENT LINE
- INDICATES EXISTING LOT LINE TO REMAIN



DATE 2/15/19

SHEET 5 OF 6

**ALBERT A. WEBB**  
ASSOCIATES

Scale: 1" = 600'  
Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034  
Section 9, Township 7 South, Range 8 East  
Date Exhibit Prepared: 6/28/2018

**EXHIBIT "C" - SITE PLAN**  
**LOT LINE ADJUSTMENT NO. LLA 180034**

**EASEMENT NOTES**

1. EASEMENT TO C.V.W.D. FOR IRRIGATION, DRAINAGE AND STORM WATER PROTECTION WORKS AND CANALS RECORDED 6/21/940 IN BOOK 466 PAGE 339, O.R. CANNOT BE LOCATED FROM THE RECORD.
2. C/L 10' EASEMENT TO U.S.A. FOR WATERLINE PURPOSES RECORDED 3/21/1949 IN BOOK 1061 PAGE 15, O.R.
3. 10'x70' IRRIGATION EASEMENT TO U.S.A. RECORDED 8/1/1949 IN BOOK 1098 PAGE 417, O.R.
4. IRRIGATION DISTRIBUTION EASEMENT TO U.S.A. RECORDED 1/17/1950 IN BOOK 1139 PAGE 365, O.R.
5. 60' PUBLIC HIGHWAY PER INSTRUMENT NO. 32692 RECORDED 4/17/1959, O.R.
6. WATER DISTRIBUTION FACILITIES AND PERMANENT UNDERGROUND PIPELINE EASEMENT TO C.V.W.D. RECORDED 4/26/1965, AS INST. NO. 47983, O.R.
7. 10'x30' PIPELINE EASEMENT TO SUSAN TOCCHINI RECORDED 4/2/1965 AS INST. NO. 88802, O.R.
8. 50' PIPELINE EASEMENT TO C.V.W.D. PER INST. #70394, REC. 6/17/1965, O.R.
9. 50' PIPELINE EASEMENT TO C.V.W.D. PER INST. #70395, REC. 6/17/1965, O.R.
10. 20' SEWER EASEMENT TO C.V.W.D. PER INST. #2003-873775, REC. 11/04/2003, O.R.
11. 20' SEWER EASEMENT TO C.V.W.D. PER INST. #2003-873777, REC. 11/04/2003, O.R.
12. 20' POWER EASEMENT TO I.I.D. PER INST. #2004-131462, REC. 02/26/2004, O.R.
13. 12' SLOPE EASEMENT TO C.V.W.D. PER INST. #2004-276699, REC. 04/16/2004, O.R.
14. WATER, SEWER & IRRIGATION EASEMENT TO COACHELLA VALLEY WATER DIST. PER INST. #2006-0685526, REC. 09/15/2006, O.R.
15. PUBLIC ROAD AND UTILITY EASEMENT TO RIVERSIDE COUNTY PER INST. #2010-0402681 RECORDED 8/24/2010, O.R.

ALBERT A.  
**WEBB**  
ASSOCIATES

Scale: 1" = 600'

Assessor's Parcel Numbers: 751-070-004, -021, -023, -033, -034

Section 9, Township 7 South, Range 8 East

Date Exhibit Prepared: 6/28/2018

g:\2009\09-0247\whitestar\lot line adjustment\090247-LLA.dwg



DATE

2/15/19

SHEET 6 OF 6





June 12, 2019

Sent Via E-mail

John Guerin  
Principal Planner  
Riverside County Airport Land Use Commission  
PO Box 1605  
Riverside, CA 92502  
[jguerin@rivco.org](mailto:jguerin@rivco.org)

**Subject:** Thermal Beach Club Wildlife Hazard Management

Mr. Guerin:

Mead & Hunt, Inc. (Mead & Hunt) has reviewed the ALUC Staff Report and attachments for Case No. ZAP1046TH19 – Kohl Ranch Company, LLC, “Thermal Beach Club” as requested. We understand that the proposed project will be constructed approximately 2 miles south of the southerly terminus of Runway 17-35 at the Jacqueline Cochran Regional Airport (TRM) and within compatibility zones D & E as designated in the adopted Airport Land Use Compatibility Plan (ALUCP).

Mead & Hunt’s review focused on the proposed project’s potential to pose wildlife hazards to aircraft traveling to and from TRM. Our conclusions are based on the data presented in the *Wildlife Hazard Site Visit (WHSV) and Management Plan Review* prepared by Dr. Russel De Fusco of BASH, Inc. and associated material provided in the ALUC Staff Report. We understand that the County of Riverside has already approved Specific Plan 303, Amendment 4, which includes the proposed project, and that the purpose of the report prepared by BASH, Inc., was to determine whether the project could adversely affect flight safety to nearby aircraft operations at TRM and to assist the developers with the implementation of a wildlife hazard management plan to mitigate potential hazards.

#### **Whitestar Bird Mitigation/Management Plan**

As identified in the report prepared by BASH, Inc., and presented as Appendix D to that report, Whitestar Development prepared a Wildlife Mitigation/Management Plan for the Thermal Beach Club (Whitestar Plan). The Whitestar Plan is brief and neither identifies nor reflects applicable FAA guidance associated with wildlife hazards to aviation. Similarly, the report does not appear to reflect the results of Dr. De Fusco’s March 2019 *WHSV and Management Plan Review*. Specific concerns associated with the Whitestar Plan include the following:

- **Species Addressed.** The Whitestar plan refers specifically to migratory geese, but it does not mention other avian species observed by Dr. De Fusco during his site visit, many of which are known to pose hazards to aircraft in flight (see Appendix A of *the WHSV and Management Plan Review*). The Whitestar Plan must consider whether proposed project components have the potential to attract these species as a result of facility design and operation.



- **Bird Mitigation/Deterrent Methods.** The Bird Mitigation/Deterrent Methods identified in the Whitewater Plan are directly applicable to the proposed project and its components, but they do not address all project components. Little detail is provided regarding the proposed clubhouse village area, which is anticipated to include a restaurant, kitchen facilities, bar, etc. Such uses have the potential to provide food to wildlife life as a result of outdoor dining and the generation of refuse that is attractive to many bird species (e.g., gulls, pigeons, doves, etc.).
- **Bird Mitigation/Goose Depredation Methods.** The Whitestar Plan identifies five non-lethal bird/goose control methods that will be incorporated on site. The Plan states that Whitestar or its colleagues from Winged Solutions will use hawks/falcons to deter birds from the proposed site and that Winged Solutions could provide demonstrations to “enrichen the experience of the Thermal Beach Club residents and their children.” As identified by Dr. De Fusco, the use of raptors is not recommended for this site. The use of raptors, which are known to pose hazards to aircraft, could inadvertently increase risks to aviators approaching or departing from TRM.
- **Responsibility, Frequency, and Coordination of Wildlife Management Measures.** The Whitestar Plan includes many applicable measures for managing or mitigating potential wildlife hazards to aviation; however, the plan does not include a discussion of who will be responsible for incorporating these measures, their frequency of execution, coordination with airport staff, or specific measures to monitor their effectiveness.
- **Federal Law.** The Federal Laws identified in the Whitestar plan do not include regulations or guidance associated with aviation and wildlife hazard management or other useful resources. Important regulations and guidance include 14 Code of Federal Regulations (CFR) Part 139.337, *Wildlife Hazard Management*, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On and Near Airports*, various FAA CertAlerts, and reports prepared by the Airport Cooperative Research Program (ACRP).

### Conclusions and Recommendations

It's clear that the project proponent has considered wildlife hazard management through its modification of the pond shape and construction and through the development of the Whitestar Plan. Moreover, the 10 conditions identified in the ALUC staff report will also enhance safety.

However, the Whitestar Plan does not address the nuances associated with aviation and wildlife management, nor does it identify specific measures to monitor plan success or provide ongoing coordination with airport staff. The plan should be revised to address the following:

- Acknowledge the several hazardous bird species identified by Dr. De Fusco during his recent WHSV;
- Consider the potential effect of wildlife deterrent and depredation measures on other water bodies in the project vicinity;
- Consider other project components that have the potential to attract wildlife, such as the restaurant, potential outdoor dining or picnic areas, and project-related structures that could provide opportunities for nesting and loafing, such as signs, poles/light standards, etc.

- Identify who will be responsible for carrying out wildlife hazard management/mitigation measures and the training necessary to do so.
- Identify the frequency that wildlife mitigation/deterrent measures will be carried out, how the success of deterrents will be measured (birds, remote controlled devices, etc.), and the frequency with which the plan will be modified to reflect changes in the wildlife observed and/or its behavior.
- Revise the list of deterrent measures that will be used. In addition to omitting the use of raptors/falconry, the Plan should consider the use of the dogs and other active deterrent measures and clearly identify the necessary considerations for their use (see pages 12 to 15 of the report prepared by BASH, Inc.).
- Ensure regular coordination and outreach with airport staff so that changes in wildlife observed at the airport and the Beach Club and potential synergistic effects can be considered.

Mead & Hunt also recommends that the Whitestar Plan be revised to address applicable criteria set forth in 14 CFR Part 139.337, which provides specific guidance for the preparation of Wildlife Hazard Management Plans for airports. Once the Whitestar Plan is revised, it should be reviewed by Mr. De Fusco or another FAA-Qualified Airport Wildlife Biologist to ensure that aviation considerations are addressed appropriately.

#### **Other Considerations**

The Whitestar Plan and other project-related documents should be amended to address facility closure and how the proposed facilities would be managed or demolished. Specific measures to be identified include the drainage or maintenance of the wave pool and reservoir.

Mead & Hunt applauds the project proponent for its consideration of aviation and wildlife hazard management. The recommended plan revisions would further enhance the project proponent's efforts to promote safety for airport users and those living and working near TRM, including residents and patrons of the Thermal Beach Club.

Please do not hesitate to reach me by telephone (916.993.4650) or email ([lisa.harmon@meadhunt.com](mailto:lisa.harmon@meadhunt.com)) should you have questions regarding this letter or its recommendations.

Sincerely,

MEAD & HUNT, Inc.



Aviation/Environmental Planner

## Guerin, John

---

**From:** Melissa Perez <melissa.perez@webbassociates.com>  
**Sent:** Tuesday, June 11, 2019 12:59 PM  
**To:** Guerin, John  
**Subject:** Case #ZAP1046TH19 (Thermal Beach Club )

**CAUTION:** This email originated externally from the **Riverside County** email system.  
**DO NOT** click links or open attachments unless you recognize the sender and know the content is safe

Hi John,

As we chatted about yesterday, the following provides requested revisions to condition number 9:

9. In the event that any incidence of wildlife hazard affecting the safety of air navigation occurs **where the airport operator (currently the Riverside County Economic Development Agency) provides documented evidence in writing to Kohl Ranch Company, LLC (or its successor(s)-in-interest) (hereafter referred to as "owner") that -as a result of the presence of the surflagoon and/or reservoir on-site, is the cause for such incident, upon notification to the airport operator reserves the right to request corrective action from the owner.** ~~(currently the Riverside County Economic Development Agency) of an incidence, the airport operator shall notify Kohl Ranch Company, LLC (or its successor(s)-in-interest) (hereafter referred to as "owner") in writing.~~ Within 15 days of this written notice, the owner shall be required to promptly **take corrective action that is mutually agreeable to both the airport operator and owner** ~~take all measures necessary~~ to eliminate such wildlife hazard, including, if necessary, the draining of the lagoon and/or emptying of the reservoir. An "incidence" includes any situation that results in an accident, incident, "near-miss," or specific safety complaint regarding an in-flight experience to the airport operator or to federal, state, or county authorities responsible for the safety of air navigation. The owner shall work with the airport operator to prevent recurrence of the incidence. For each such incidence made known to the owner, the necessary remediation shall only be considered to have been fulfilled when the airport operator states in writing that the situation has been remediated to the airport owner's satisfaction.

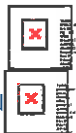
And as the open land issue seems to be resolved, the applicant understands the recommendation is to discuss and continue the hearing to July but are hopeful and requesting for a decision rather than a continuance since the Wildlife Hazards Report was provided at the time of application submittal.

**Melissa Perez** - Senior Environmental Planner  
Albert A. Webb Associates  
3788 McCray Street, Riverside, CA 92506  
t: 951.320.6007  
e: [melissa.perez@webbassociates.com](mailto:melissa.perez@webbassociates.com) w: [www.webbassociates.com](http://www.webbassociates.com)  
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## JC. JACQUELINE COCHRAN REGIONAL AIRPORT

### JC.1 Compatibility Map Delineation

- 1.1 *Airport Master Plan Status:* The Riverside County Board of Supervisors approved a new master plan for Jacqueline Cochran (formerly Desert Resorts) Regional Airport in December 2004. The Jacqueline Cochran Regional Airport Compatibility Map on the following page is based upon the new master plan.
- 1.2 *Airfield Configuration:* The new airport master plan carries forward the recommendation from previous plans that the primary runway (17-35) be extended 1,500 feet southward to a total length of 10,000 feet. Establishment of a nonprecision instrument approach procedure to the north end of the runway and a precision instrument approach procedure to the south end are proposed in the master plan and reflected in the compatibility planning. No changes to the northwest/southeast runway are contemplated. Previous plans for a third runway that would have been aligned north/south 4,200 feet west of the existing primary runway have been deleted from the new master plan and are not represented in the Jacqueline Cochran Regional Airport Compatibility Map.
- 1.3 *Airport Activity:* Compatibility planning for Jacqueline Cochran Regional Airport looks beyond the 20-year activity forecast time horizon of the master plan. An ultimate activity level of 220,000 annual operations, double the 20-year projection in the master plan, is assumed for compatibility planning purposes. Current activity is approximately 65,000 operations per year.
- 1.4 *Airport Influence Area:* The Jacqueline Cochran Regional Airport influence area boundaries match the outer boundary of the FAR Part 77 conical surface for the airport with an extension to the south encompassing additional lands along the future precision instrument approach path.

### JC.2 Additional Compatibility Policies

- 2.1 *Calculation of Residential Densities:* Residential densities in Zone D shall be calculated on a “net” rather than “gross” basis. For the purposes of this Compatibility Plan, the net acreage of a project equals the overall developable area of the project site exclusive of permanently dedicated open lands (as defined in Policy 4.2.4) or other open space required for environmental purposes.
- 2.2 *Maximum Average Residential Lot Size in Zone D Areas Southerly of Avenue 64:* Projects located southerly of Avenue 64 shall be considered to be substantially consistent with the “higher intensity option” for Zone D if the average residential lot size (either the mean or median) is 8,712 square feet (0.2 acre) or less, excluding common area, public facility, drainage basin, recreational, and open space lots.



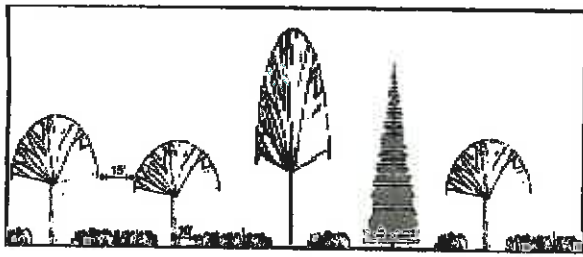


Figure 1. Selection of shrubs should be a mix of deciduous and coniferous species with no more than 50 percent evergreen species.

**Plant Selection, Irrigation, and Wildlife Management.** Riverside County requires landscaping for proposed development and redevelopment projects, and it is also committed to the use of native and drought-tolerant plants to reduce landscape-related water use. The County of Riverside Guide to California Friendly provides a lengthy plant palette to help landscape architects, planners, and the public select plant materials that will reduce water use in accordance with local and state goals: ([http://rctlma.org/Portals/7/documents/landscaping\\_guidelines/Guide\\_to\\_California\\_Friendly\\_Landscaping.pdf](http://rctlma.org/Portals/7/documents/landscaping_guidelines/Guide_to_California_Friendly_Landscaping.pdf)).

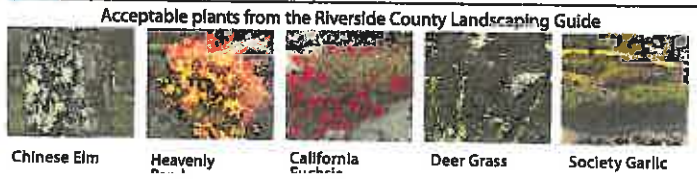
Many of the plants on the "County of Riverside California Friendly Plant List" could attract potentially hazardous wildlife species. Table 2 provides a reduced species list, nearly all of which were excerpted from the Friendly Plant List, but are less likely to support potentially hazardous wildlife. Project sponsors should use this list for projects within an AIA.

The list is not meant to be exhaustive, and other species may be appropriate based on the project location or other project-related circumstances. Sponsors who wish to propose plant materials that are not included in Table 1 will need to demonstrate to the ALUC that proposed species will be unlikely to attract hazardous wildlife to the AIA.

**General Guidelines.** Other factors can affect wildlife behavior. Landscaping can provide a food source, opportunities for shelter, nesting and perching. Proposed landscaping can help to discourage wildlife through the application of the following guidelines summarized below and described in Table 1.

- **Close the Restaurant!** Do not use plant material that produce a food source, such as edible fruit, seeds, berries, drupes, or palatable forage for grazing wildlife. When possible, select a non-fruiting variety or male cultivar.
- **No Vacancy!** Avoid densely branched or foliated trees; they provide ideal nesting habitat and shelter.
- **Prevent Loitering!** Select tree species that exhibit a vertical branching structure to minimize nesting and perching opportunities (Figure 1).

Table 1. Design Guidance for Plant Materials	
TREES	<p><b>Avoid/Prevent Contiguous Canopy</b></p> <ol style="list-style-type: none"> <li>1. Prevent overlapping crown structures. Contiguous crowns can provide safe passage for wildlife. Provide sufficient distance between plants to ensure that at least 15 feet of open space will remain between mature crowns (Figure 1).</li> <li>2. Prevent homogenous canopy types and tree height. Variable canopy height will reduce thermal cover and protection from predators.               <ul style="list-style-type: none"> <li>■ Provide significant variation between the type of canopy and height of the species, both at planting and at maturity.</li> <li>■ Provide no more than 20% evergreen species on site, and never plant evergreens in mass or adjacent to each other.</li> </ul> </li> </ol>
SHRUBS/ACCENTS/GRASSES	<p><b>Limit Coverage</b></p> <p>Limit the amount of cover and avoid massing to prevent the creation of habitat for birds or small mammals.</p> <ul style="list-style-type: none"> <li>■ Mix deciduous, herbaceous, and evergreen species.</li> <li>■ Do not plant species in mass. At a minimum, provide sufficient spacing to equal the width of each species at maturity. Avoid species with the potential to creep near shrubs (Figure 2).</li> <li>■ Provide at least 10 feet between trees and other species greater than 1 foot in height.</li> </ul>
GROUNDCOVER/TURF	<p><b>Prevent the natural succession of landscape!</b></p> <p>Groundcover plays a transitional role between shrubs, grasses, and trees, and this succession creates an ideal habitat for diverse wildlife (see Figure 2).</p> <ol style="list-style-type: none"> <li>1. Provide a buffer and sharp edges between groundcover, turf, shrubs and trees, using hardscape or mulching.</li> <li>2. When possible, use alternative groundcovers, such as decorative paving and hardscapes instead of planted groundcover/turf.</li> <li>3. The use of groundcover/turf may be impractical or undesirable based on irrigation needs or site-specific conditions. Consider using the following:               <ul style="list-style-type: none"> <li>■ Artificial turf in place of groundcover, which can reduce maintenance and eliminate irrigation needs (Figure 2A).</li> <li>■ Porous concrete to cover smaller areas (Figure 2B).</li> <li>■ Permeable pavers to provide visual interest while promoting drainage (Figure 2C).</li> </ul> </li> </ol>
VINES	<p><b>Limit Coverage</b></p> <p>Limit the amount of cover and avoid massing to prevent the creation of habitat for birds or small mammals.</p> <ul style="list-style-type: none"> <li>■ Do not use vines to create overhead canopy or to cover structures.</li> <li>■ Do not plant vines to grow on the trunk or branches of trees.</li> <li>■ Minimize vines to areas of 5 feet or less in width. Vines require considerably more maintenance than other plant materials.</li> </ul>



## LANDSCAPING NEAR AIRPORTS: Special Considerations for Preventing or Reducing Wildlife Hazards to Aircraft

Landscaping makes a visual statement that helps to define a sense of space by complementing architectural designs and contributing to an attractive, inviting facility. In some cases, a landscaping plan can be used to restore previously disturbed areas. However, such landscape plans are not always appropriate near airports.

Wildlife can pose hazards to aircraft operations, and more than 150 wildlife strikes have been recorded at Riverside County. The Riverside County Airport Land Use Commission (ALUC) prepared this guidance for the preparation of landscape designs to support FAA's efforts to reduce wildlife hazards to aircraft. This guidance should be considered for projects within the Airport Influence Area (AIA) for Riverside County Airports. The following landscape guidance was developed by planners, landscape architects and biologists to help design professionals, airport staff, and other County departments and agencies promote sustainable landscaping while minimizing wildlife hazards at Riverside County's public-use airports.

**Discouraging Hazardous Wildlife.** Plant selections, density, and the configuration of proposed landscaping can influence wildlife use and behavior. Landscaping that provides a food source, perching habitat, nesting opportunities, or shelter can attract raptors, flocking birds, mammals and their prey, resulting in subsequent risks to aviators and the traveling public.

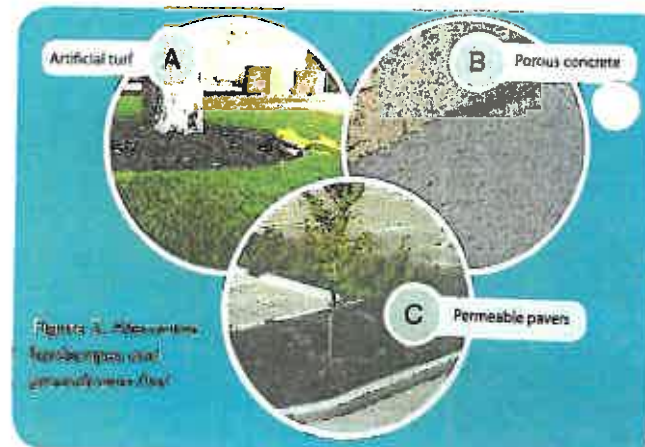


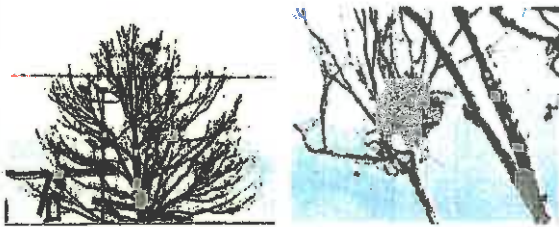
Figure 2. Alternative landscaping and groundcover options.





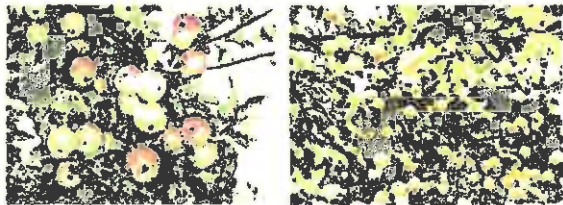
Acceptable.

The trees above have a vertical branching structure that minimizes perching and nesting opportunities.



Not acceptable.

Examples of trees that are attractive to birds because of horizontal branching structure.



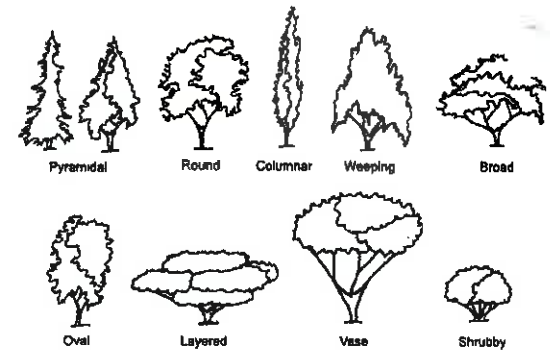
Not acceptable.

Trees, shrubs and plants that produce wildlife edible fruit and seeds should be avoided.

Scientific Name	Common Name	Wildlife Use	Planting Zone
<i>Cercis occidentalis</i>	Western Redbud	VL: 1, 2, L: 3, 4	2-24
<i>Olea europaea</i> 'Swan Hill'	Fruitless Olive	GL: 1, 2; L: 3, 4, M: 5, 6	8, 9; 11-24
<i>Pinus</i> spp.	Pine, various species	Varies by species	Varies by species
<i>Rhus lancea</i>	African Sumac	L: 1-4; M: 5-6	8-9; 12-24
<i>Robinia neomexicana</i> *	Desert Locust	L: 1-4; M: 5-6	2-3, 7-11, 14, 18-24
<i>Robinia x ambigua</i>	Locust	L: 1-4; M: 5-6	2-24
<i>Ulmus parvifolia</i>	Chinese Elm	M: 1-6	3-24
<i>Aloysia triphylla</i>	Lemon Verbena	L: 1-6	9-10; 12-21
<i>Cistus</i> spp.	Rockrose	L: 1-6	6-9, 14-24
<i>Dalea pulchra</i>	Bush Dalea	L: 6	12, 13
<i>Encelia farinosa</i>	Brittlebush	VL: 3; L: 3-6	
<i>Gravellia Noelli</i>	Noel's Grevellia	L: 1-4; M: 6	
<i>Justicia californica</i>	Chuparosa	M: 1, 6; VL: 3; L: 4-5	
<i>Langana camara</i>	Bush Lantana	L: 1-4; M: 6	
<i>Lavendula</i> spp.	Lavender	L: 105; M: 5-6	2-24; varies
<i>Nandina domestica</i> species	Heavenly Bamboo	L: 1-4; M: 5-6	
<i>Rosmarinus officinalis</i> 'Tuscan Blue'	Tuscan Blue Rosemary	L: 1-4; M: 5-6	
<i>Salvia greggia</i>	Autumn sage	L: 1-4; M: 5-6	
<i>Artemisia pycnocephala</i>	Sandhill Sage	VL: 1	
<i>Oenothera caespitosa</i>	White Evening Primrose	L: 1-2; 3-5	103, 7-14, 18-21
<i>Oenothera stubbei</i>	Baja Evening Primrose	L: 1-6	10-13
<i>Penstemon baccharifolius</i>	Del Rio	L: 4-6	10-13
<i>Trachelospermum jasminoides</i>	Star Jasmine	M: 1-6	8024
<i>Zauschneria californica</i>	California Fuchsia	L: 1, 2, 4; VL: 3; M: 5-6	2011, 14-24
<i>Cortaderia dioica</i> (syn. <i>C. selloana</i> )	Pampass Grass	N/A	N/A
<i>Festuca</i> spp.	Fescue	Varies by Species	Varies by Species
<i>Zoysia 'Victoria'</i>	Zoysia Grass	60% of ETO	8-9, 12-24
<i>Agave</i> species	Agave	L: 1-4, 6	10, 12-24 (Varies)
<i>Aloe</i> species	Aloe	L: 1-4, 6	8-9, 12-24
<i>Chondropetalum hectorum</i>	Cape Rush	H: 1; M: 3	8-9, 12-24
<i>Dasyliion</i> species	Desert Spoon	VL: 1, 4-6	10-24
<i>Deschampsia caespitosa</i>	Tufted Hair Grass	L: 1-4	2-24
<i>Festuca (ovina) glauca</i>	Blue Fescue	L: 1-2; M: 3-6	7-24
<i>Dietes bicolor</i>	Fortnight Lily		VL: 1, L: 3-6
<i>Echinocactus grusonii</i>	Golden Barrel Cactus	VL: 1-2, L: 3-4, 6	12-24
<i>Fouquieria splendens</i>	Octillio	L: 1, 4-6; VL: 3	10-13, 18-20
<i>Hesperaloe parviflora</i>	Red / Yellow Yucca	VL: 3; L: 4-6	2b, 3, 7-16, 18-24
<i>Muhlenbergia rigens</i>	Deer Grass	L: 1, 3; M: 2, 4-6	4-24
<i>Opuntia</i> species	Prickly Pear, Cholla	VL: 1-3; L: 4-6	Varies by Species
<i>Penstemon parryi</i>	Parry's Beardtongue	L: 1-6	10-13
<i>Penstemon superbus</i>	Superb Beardtongue	L: 1-6	10-13
<i>Tulbaghia violacea</i>	Society garlic	M: 1-4, 6	13-24
<i>Yucca</i> species	Yucca	L: 1-6	Varies by Species



Not recommended are trees that overlap, allowing birds to move safely from tree to tree without exposure to the weather or predators.



Trees approved for planting should have varied canopy types and varied heights, both at time of planting and at maturity. A combination of the styles illustrated above is recommended.

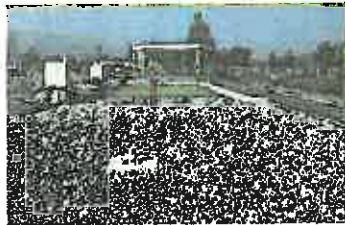




Adaptive measures such as liners, a concrete basin, and overhead wire grid can make extended detention strategies less attractive to hazardous wildlife.



Vegetated bioswales improve water quality and prevent water accumulation. However, dense and tall vegetation may be attractive to hazardous wildlife.



Infiltration basins with rock bottoms are less attractive to birds because they mask water and do not provide vegetation.



### STORMWATER BEST MANAGEMENT PRACTICES

Riverside County and its incorporated cities require water quality/stormwater management controls for development and redevelopment projects. The Riverside Conservation District has prepared a separate Water Quality Management Plan for each watershed in the County that identifies treatment control Best Management Practices (BMPs) for improving water quality and managing stormwater volumes/flows following the design storm (i.e., 24-hour storm). Structural BMPs identified in Riverside County guidance and their compatibility within the AIA are summarized in Table 1.

### ADDITIONAL RESOURCES/MORE INFORMATION:

- Riverside County Flood Control and Water Conservation District, Water Quality Management Webpage. Available at: <http://rcflood.org/nr/pdes>.
- FAA Advisory Circular 150/5200-33, "Wildlife Hazard Attractants On and Near Airports": [https://www.faa.gov/documentlibrary/media/advisory\\_circular/150-5200-33B/150\\_5200\\_33b.pdf](https://www.faa.gov/documentlibrary/media/advisory_circular/150-5200-33B/150_5200_33b.pdf).
- Airport Cooperative Research Program, Balancing Airport Stormwater and Bird Hazard Management: [https://www.nap.edu/login.php?action=guest&record\\_id=22216](https://www.nap.edu/login.php?action=guest&record_id=22216).

Table 2 Recommended Measures to Reduce Wildlife Attraction Associated with Stormwater BMPs

BMP Characteristic	Recommended Design Measure
<b>Exposed Surface Water</b> <ul style="list-style-type: none"> <li>• Especially attractive to waterfowl, shorebirds, and flocking birds.</li> <li>• Provides source for drinking and nest building.</li> <li>• More attractive when constructed near other open water features or ponds.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce availability by providing 48-hour drawdown following a design storm (i.e., 24-hour storm).</li> <li>• Cover using bird balls.</li> <li>• Consider earth-bottom culverts, French drains, trench covers, and underground storage options.</li> <li>• Avoid within 8 km (5 miles) of other open water features or facilities;</li> </ul>
<b>Vegetation and Landscaping</b> <ul style="list-style-type: none"> <li>• Provides food.</li> <li>• Tall vegetation provides shelter and nesting opportunities.</li> <li>• Diverse vegetation attracts more diverse wildlife.</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminate vegetation (concrete banks, steep slopes, etc.).</li> <li>• If necessary, provide a monoculture or decreased diversity.</li> <li>• Never use species that provide a food source (seeds, berries, nuts, and drupes).</li> <li>• Provide regular maintenance to prevent seeding and shelter.</li> </ul>
<b>Aspect/Geometry</b> <ul style="list-style-type: none"> <li>• Slopes can provide opportunities for nesting and loafing.</li> </ul>	<b>Avoid or reduce available shoreline:</b> <ul style="list-style-type: none"> <li>• Implement narrow, linear trenches rather than open water or regular circles as pond shapes.</li> <li>• Create steep slopes (&lt;3:1).</li> <li>• Avoid irregular shapes for basins.</li> <li>• Avoid vegetation.</li> </ul>

### WHAT YOU CAN DO:

Airport operators, developers and communities must work together to manage stormwater in the airport vicinity to reduce hazards to air travelers and the public while addressing site-specific challenges.

- Identify whether your project is near an airport and in an AIA or critical area. (<http://www.rcaluc.org/Plans/New-Compatibility-Plans>).
- Work with the airport operator, ALUC, and city/county staff to identify an acceptable water quality management strategy.
- Contact the applicable airport to review your stormwater plans or request plan review by a FAA-qualified wildlife biologist. The form is available at: <http://www.rcaluc.org/Portals/0/PDFGeneral/Form/Wildlife%20Attractants%20-%20FAA%20Review.pdf>.

## AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT

### GUIDANCE FOR PROPOSED PROJECTS IN AN AIRPORT INFLUENCE AREA

Riverside County includes diverse topography and is home to three watersheds and a portion of the Salton Sea, an important stop along the Pacific Flyway for migrating bird species. The County's arid climate makes water quality management and water conservation paramount.

The County is also the home to Palm Springs International Airport, 12 public use general aviation airports, and the March Air Reserve Base, whose operations can be challenged by the presence of hazardous wildlife such as raptors, water-fowl, doves/pigeons, gulls, flocking birds, and mammals (coyote and deer). Since 1990, more than 150 wildlife strikes with aircraft have occurred in Riverside County, 10 of which have led to substantial aircraft damage. Most strikes occur at low altitude (less than 3,500 feet above runway height). Much of the geographic area associated with these altitudes coincides with an Airport Influence Area (AIA) as defined in the Riverside County Airport Land Use Compatibility Plan (ALUCP).

### AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT

The Federal Aviation Administration (FAA) identifies stormwater management facilities on and near airports as one of the greatest attractants to hazardous wildlife. Many species are attracted to open water features and associated vegetation that offers water, food, and shelter. The FAA warns against the construction of new open water bodies or mitigation sites within 10,000 feet of aircraft movement areas and within 5 miles of approach/departure surfaces (FAA Advisory Circular 150/5200-33B).



Remains of an owl ingested by an aircraft engine.





**Low-Impact Development.** In recent years, Riverside County has focused on Low-Impact Development (LID), which includes techniques to filter, store and retain runoff on-site. LID BMPs retain runoff to optimize infiltration/recharge, and many promote the use of vegetation to provide for the uptake of pollutants. Although LID BMPs can provide environmental, economic and community benefits, they can retain open water for prolonged periods and attract hazardous wildlife. Many LID BMPs are incompatible with aircraft operations and must be considered with caution within the AIA.

**Aviation-Specific Stormwater Management.** FAA acknowledges that project-related BMPs must consider many non-aviation factors, such as soil types, space requirements, maintenance, constructability, etc. United States Department of Agriculture (USDA) and FAA have identified specific design characteristics that should be considered during BMP design and incorporated to make most BMPs less attractive to wildlife (Table 2).

### ADAPTIVE MEASURES

When open water detention ponds must be used within the AIA, the ponds may be equipped with bird balls, floating covers, nets, or overhead wires to cover open water and discourage use by hazardous wildlife. For example, concrete basins are unlikely to attract wildlife, and pond liners can prevent the development of hydrophytic vegetation. These technologies must be used with caution and only in areas with controlled access.



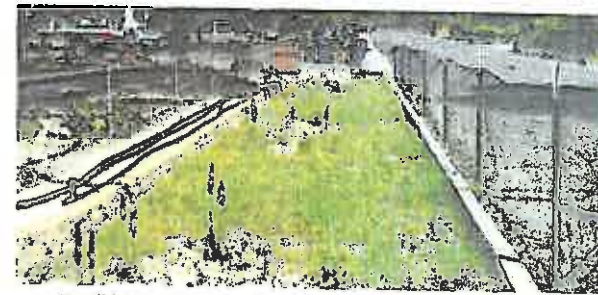
Infiltration trenches detain water for brief periods. This trench at Seattle-Tacoma Airport includes vegetation appropriate for an airport environment.



Bioretention facilities can provide food and shelter for potentially hazardous wildlife, but may

Table 1. Structural Best Management Practices (BMPs) and Compatibility in an Airport Influence Area (AIA)

BMP	Compatibility within the AIA
<b>Infiltration trenches Recommended</b>	<ul style="list-style-type: none"> <li>■ Suitable because water accumulates below ground surface.</li> <li>■ Vegetation must be selected and reviewed by a FAA-qualified Airport Wildlife Hazard Biologist/qualified biologist to discourage wildlife.</li> </ul>
<b>Permeable Pavement Recommended</b>	Does not include water storage. Appropriate for parking lots and other paved surfaces that are not high-traffic areas.
<b>Harvest and Use (RWH) Recommended</b>	Suitable as long as water is stored in enclosed areas.
<b>Sand Filter Basins Recommended</b>	Desirable because standing water is treated through an underdrain system.
<b>Vegetated Filter Strips and Vegetated Swales Recommended</b>	Desirable because neither BMP involves ponded water. However, vegetation must be selected to discourage hazardous wildlife and reviewed by a qualified biologist.
<b>Water Quality Inlets Recommended</b>	Desirable because they do not provide ponded water. Associated vegetation must be selected to discourage hazardous wildlife and reviewed by a qualified biologist.
<b>Infiltration Basins Not recommended without Modification. Suitable only if design addresses wildlife hazards</b>	<ul style="list-style-type: none"> <li>■ Unsuitable in ALUCP Compatibility Zone A.</li> <li>■ Suitable in Zones B and C with appropriate modifications, such as: Drawdown within 48 hours or manufactured cover to prevent view and availability of open water; and absence of landscape or landscaping approved by a qualified biologist.</li> <li>■ Steep slopes (steeper than 3:1).</li> </ul>
<b>Bioretention Facilities Not Recommended without Modification (also known as rain gardens, bioretention basins, infiltration basins, landscaped filter basins)</b>	<p>Although bioretention can mask open water, BMP is not recommended for airports based on its potential to provide food, water, and shelter for hazardous wildlife.</p> <ul style="list-style-type: none"> <li>■ Unsuitable in Compatibility Zone A.</li> <li>■ Potentially suitable in Zones B and C only when small in size (e.g., parking islands, site entrances, planter boxes, etc.) and when vegetation is selected to discourage hazardous wildlife and reviewed by a qualified biologist.</li> <li>■ Potentially suitable in Zones D and E when basin is less than 30 feet in length/width; and vegetation is selected to discourage hazardous wildlife and reviewed by a qualified biologist.</li> </ul>



Small bioretention facilities that provide sparse vegetation may be suitable in an aviation environment.



Extended detention basins are frequently used to serve both water quality management and to provide amenities. These basins hold water and would not be appropriate within an AIA because of the open water.



Sand filter at the base of the bioswale promotes infiltration.

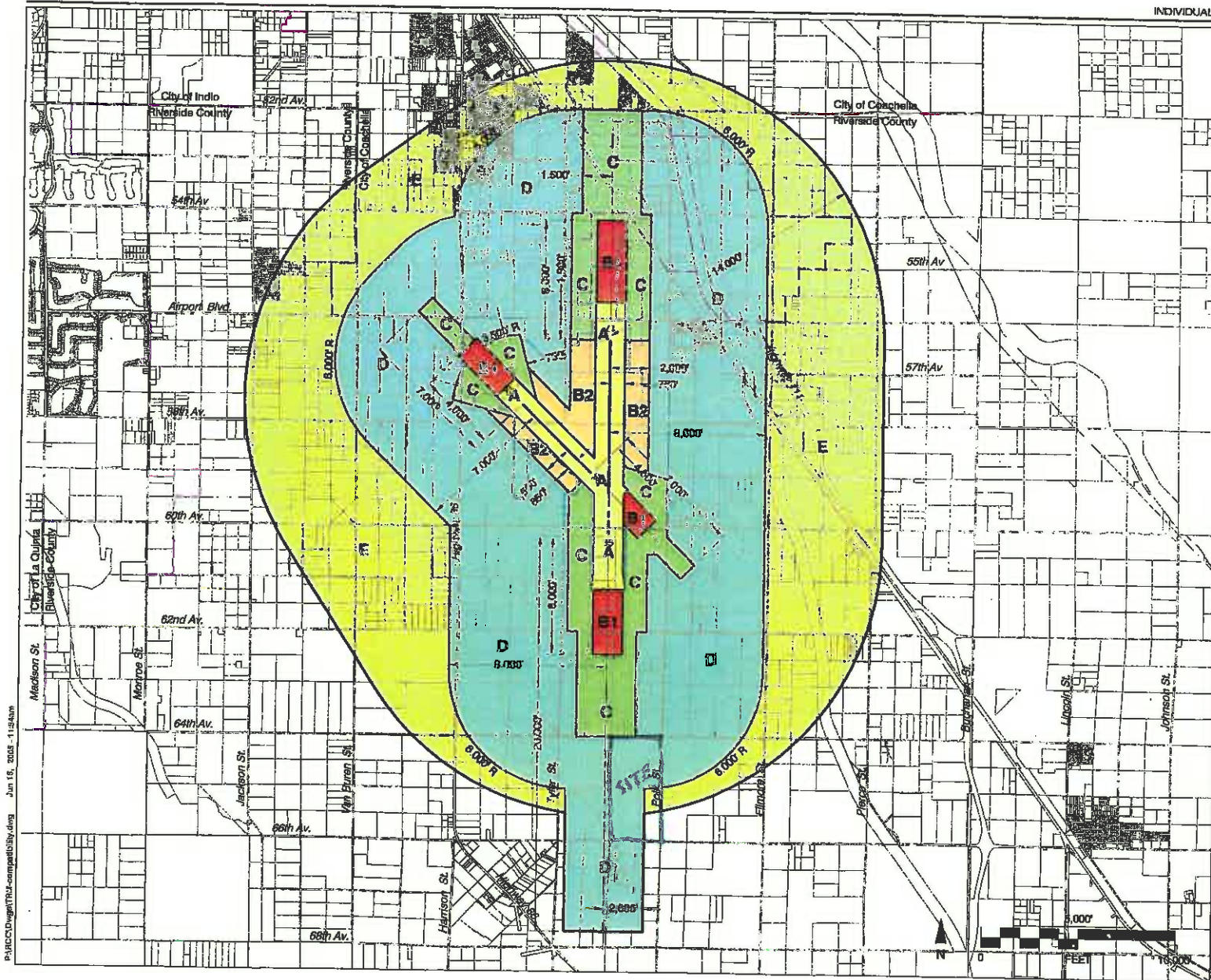


Porous pavements allow water to infiltrate to a soil layer below the surface.



# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)



**Legend**

**Compatibility Zones**

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C
- Zone D
- Zone E

**Boundary Lines**

- Airport Property Line - Existing
- Airport Property Line - Planned
- City Limits

**Note**

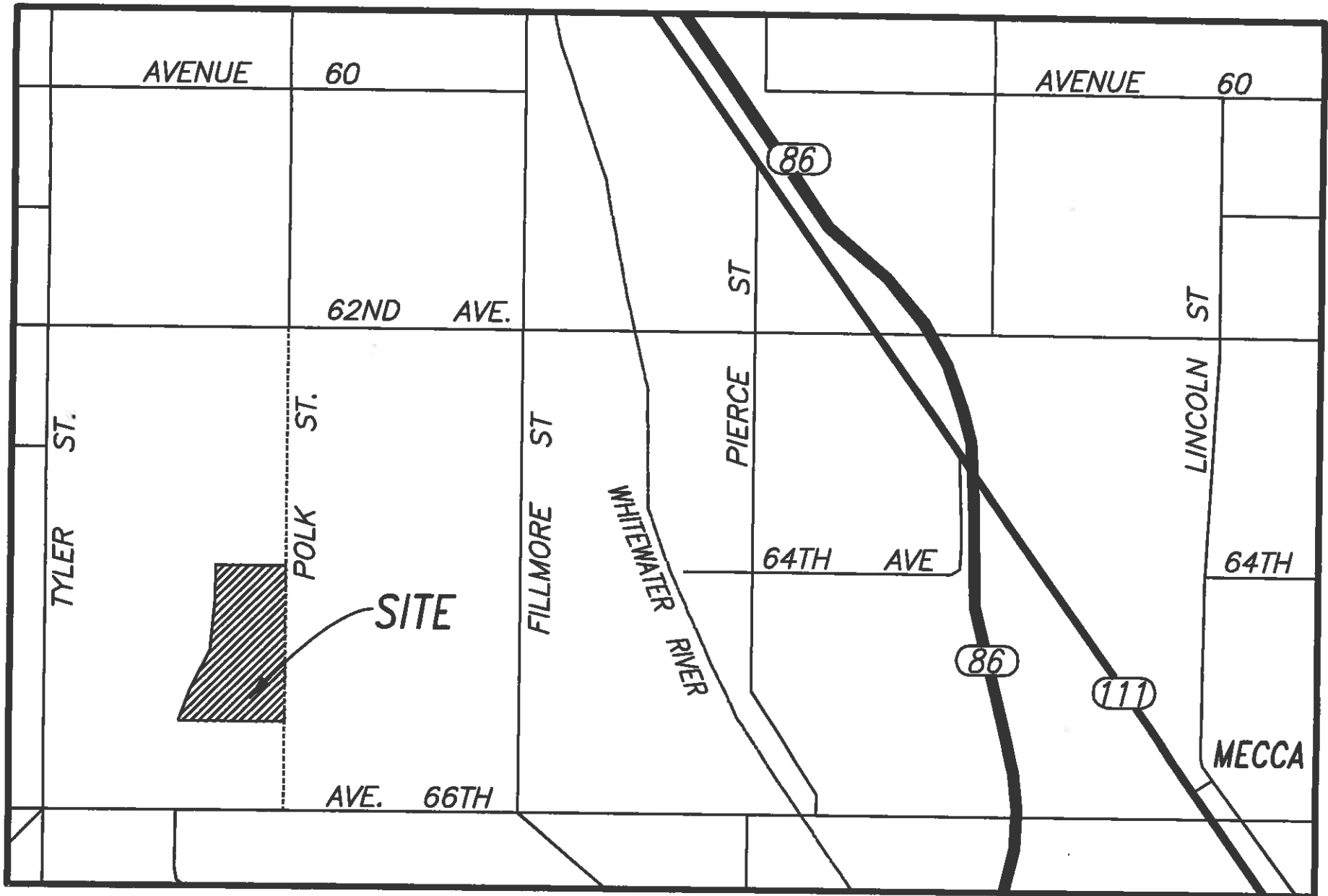
Except for southern extension, Airport Influence Area boundary measured from a point 200 feet beyond runway ends in accordance with FAA airspace protection criteria (FAR Part 77). All other dimensions measured from runway ends and centerlines.

See Chapter 2, Table 2A for compatibility criteria associated with this map.

Riverside County  
 Air Land Use Commission  
**Riverside County**  
**Airport Land Use Compatibility Plan**  
**Policy Document**  
 (Adopted June 2005)

Map JC-1

**Compatibility Map**  
 Jacquelline Cochran Regional Airport



VICINITY MAP  
NOT TO SCALE



# Map My County Map



### Legend

- Blue Line Streams
- City Areas
- World Street Map

### Notes



**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



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# Map My County Map



## Legend

- County Centerline Names
- Blue Line Streams
- City Areas
- World Street Map



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## Notes



# Map My County Map



- Legend**
- County Centerline Names
  - Blueline Streams
  - City Areas
  - World Street Map



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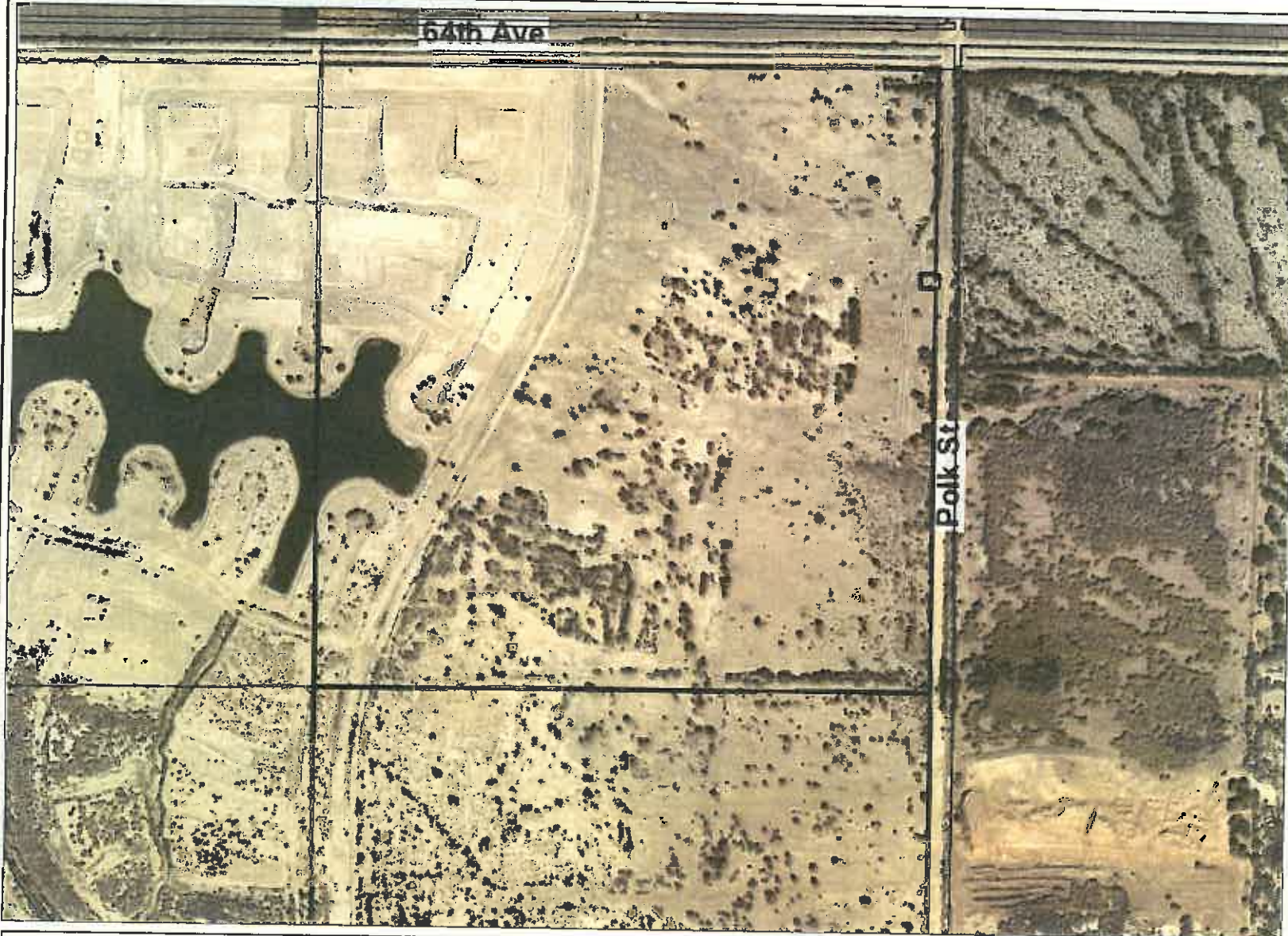
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**Notes**



# Map My County Map



## Legend

- Parcels
- County Centerline Names
- Blueline Streams
- City Areas
- World Street Map



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## Notes



## **Project Description**

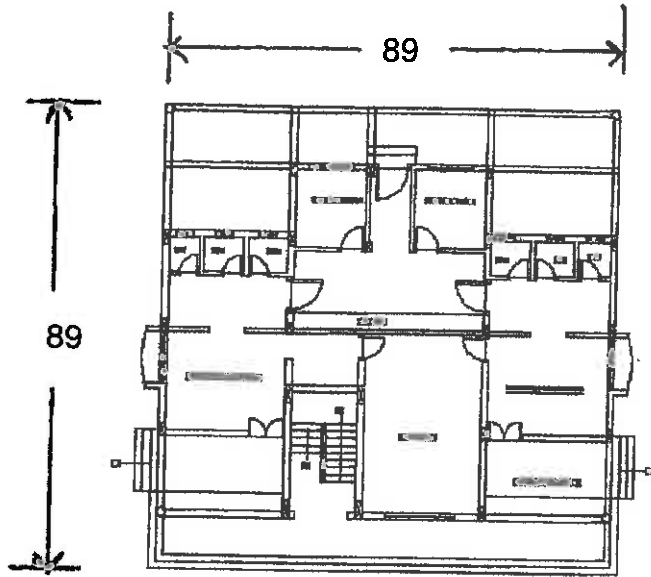
### **Thermal Beach Club – Lagoon and Clubhouse Village**

The Thermal Beach Club proposes a private residential development, within the community of Thermal, on approximately 239 acres intended for use as vacation homes under TTM37269.

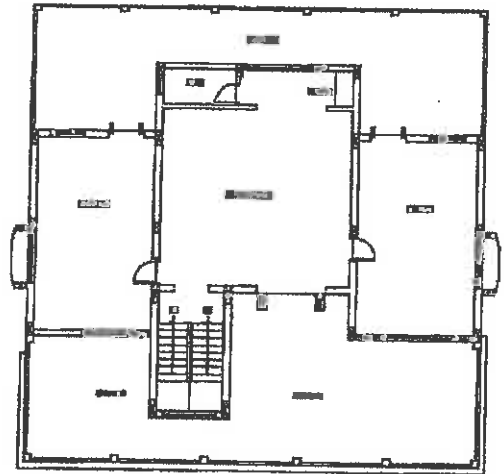
The proposed Plot Plan will allow for development and use of the 21 acre lagoon with wave making capabilities and approximately 42,000 square foot future clubhouse (village area). Only Thermal Beach Club residents, their families, and their guests will have access to the lagoon and surf. The clubhouse village area will consist of four buildings that will provide amenities including administration, retail, spa and exercise facilities, pool, deck, bar, restaurant, and kitchen facilities to serve the Thermal Beach Clubs residents and their guests. There may be some semi-public (non-commercial) events occurring from time to time. These events will consist of surfing demonstrations for Thermal Beach Club residents and their guests.

The lagoon contains water cleaning technology from Crystal Lagoons which allows the 20 acre lagoon to remain crystal clear and blue at all times. The lagoon's filtration and monitoring system and patented cleaning process uses 2 percent of the energy and 100 times less chemicals than is needed by conventional swimming pool filtration systems. The crystal lagoon uses up to 30 times less energy than a golf course and 50 percent less water than is required by a park of the same size. Additionally, the evaporation control film technology reduces water consumption and evaporation even further. The filtration system is powered by electricity and is located in an underground vault, similar to those used by golf courses and Homeowners associations throughout the desert. This allows for almost completely silent operation.

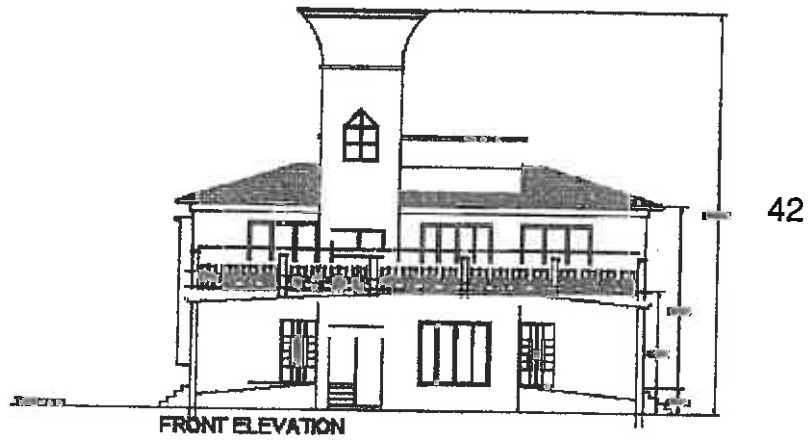
The surf system is an air pressure system that allows the creation of naturally occurring swells just as they occur in the ocean. The system uses commercial grade electric HVAC type fans to create the pressure changes in chambers that are necessary to create a swell mirroring the oceans natural swell. The system is powered by electricity and the fans are located in enclosed concrete chambers to control air pressure and sound levels.



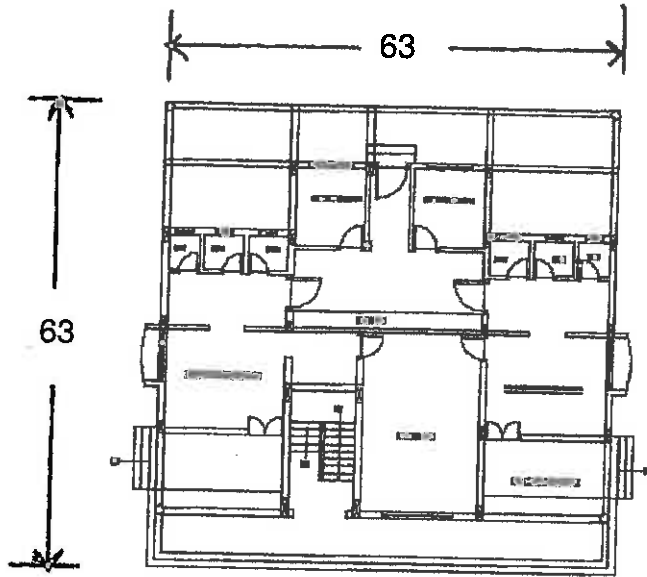
First Floor



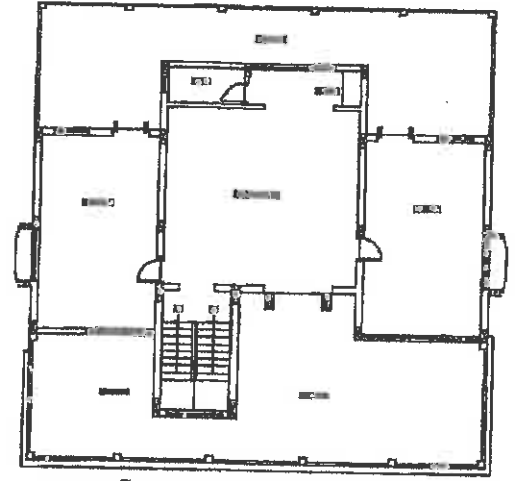
Second Floor



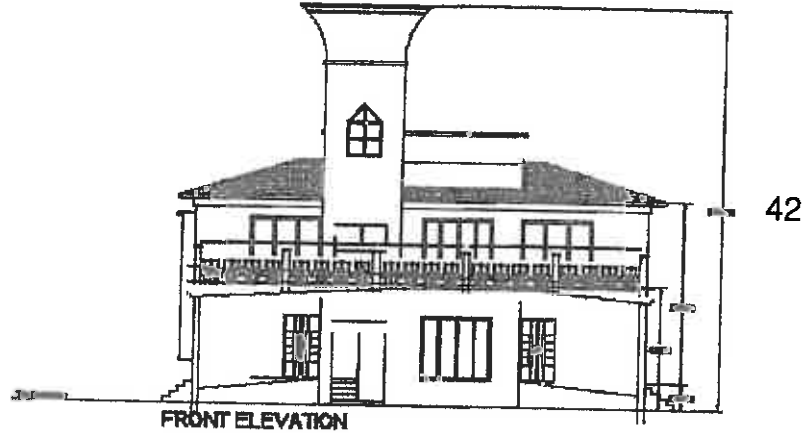
Building 1



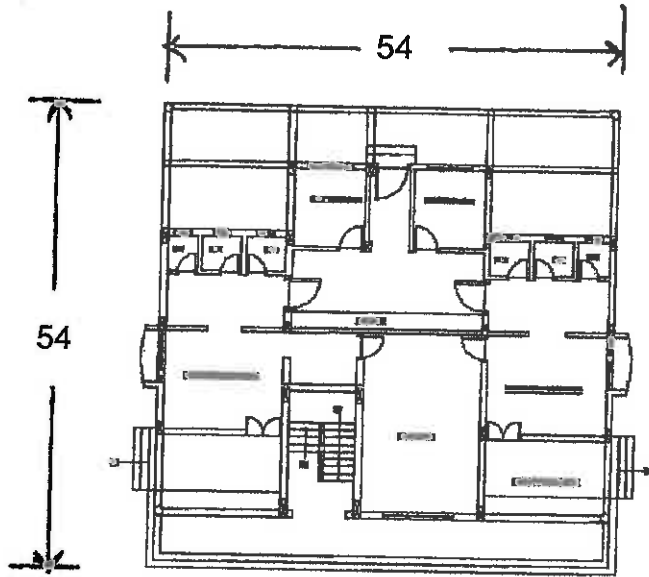
First Floor



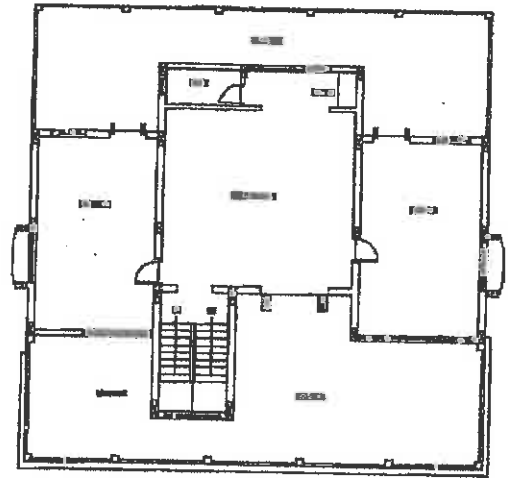
Second Floor



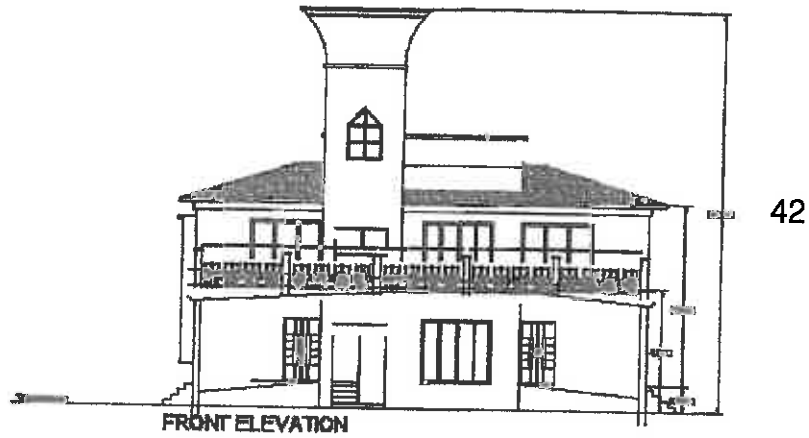
Building 2



First Floor

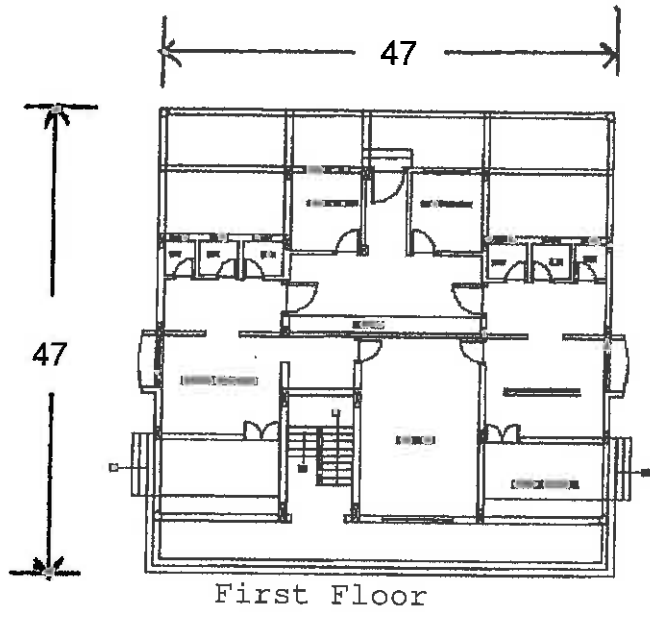


Second Floor

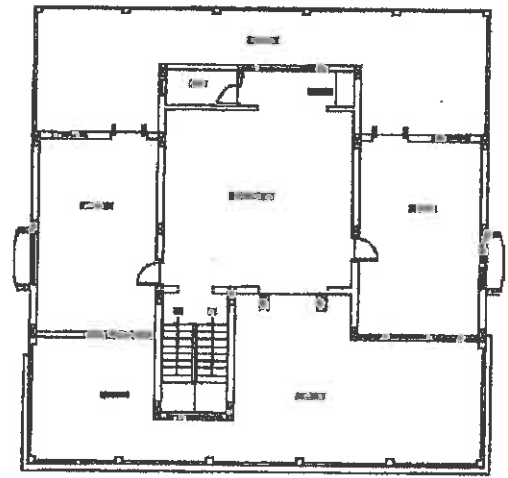


FRONT ELEVATION

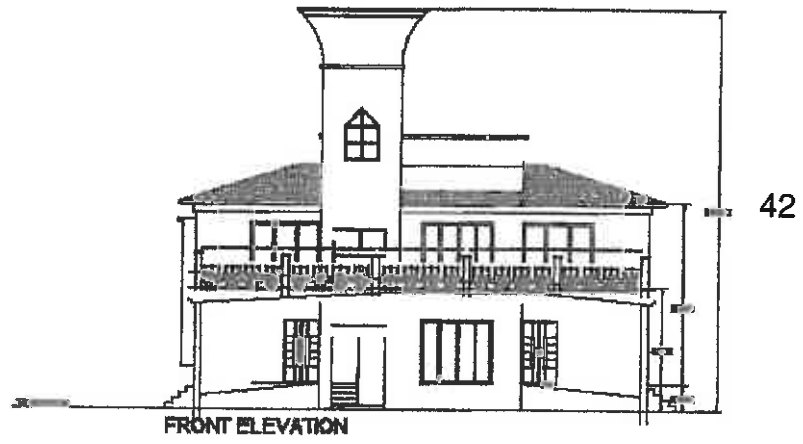
Building 3



First Floor



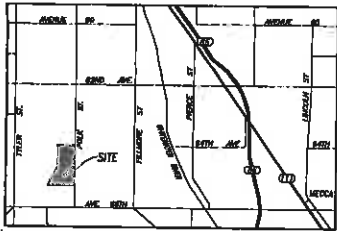
Second Floor



Building 4

In the Unincorporated Territory of Riverside County  
**Preliminary Grading & Drainage Plan**  
**Thermal Beach Club**

BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST AND SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 8 EAST, S.B.R.M.

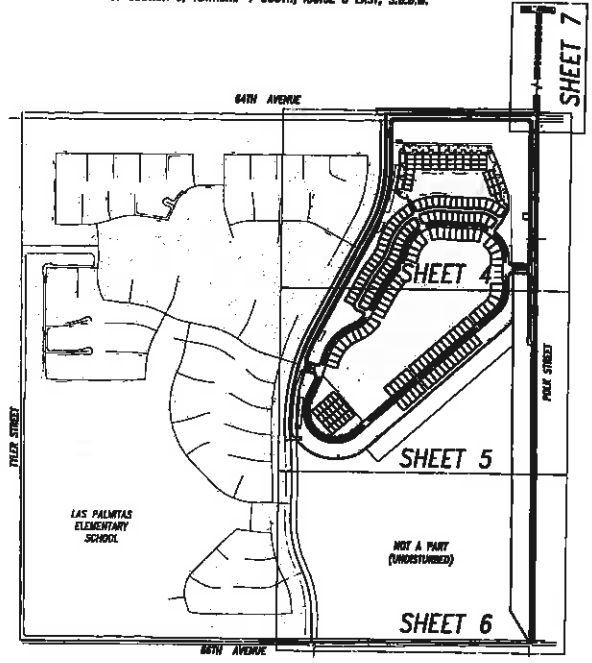


VICINITY MAP  
NOT TO SCALE

**PRELIMINARY EARTHWORK QUANTITIES:**

<b>CUT:</b>	
RAW CUT =	480,227 C.Y.
<b>FILL:</b>	
COMPACTED FILL =	725,057 C.Y.
SHRINKAGE (20%) =	145,011 C.Y.
STRIPPING LOSS (0.08') =	19,041 C.Y.
SUBSIDENCE (0.20') =	47,603 C.Y.
SITE TOTAL: 486,487 C.Y. [IMPORT]	

EXISTING COUNTY PLANNING
DEVELOPER'S NAME
PROJECT NAME
<b>Thermal Beach Club</b>
<b>IF YOU SEE DUST COMING FROM THIS PROJECT CALL</b>
ADDITIONAL CONTACT INFORMATION:
IF YOU DO NOT GET A RESPONSE IN 1 HOUR, PLEASE CALL RIVERSIDE CO. AT (951) 424-0300 AND REPORT THE PERMIT AND PERMITS # ABOVE.
<b>AND</b>
CALL 811 AT (951) 424-5800 (480-280-7800)



SHEET INDEX  
SCALE: 1" = 80'

**PRE-CONSTRUCTION MEETING NOTE:**  
 A PRE-GRADING/PRE-CONSTRUCTION MEETING AND SITE INSPECTION SHALL BE ARRANGED FOR BY THE SITE DEVELOPER PRIOR TO COMMENCING GRADING OPERATIONS. THESE PARTIES REQUIRED TO ATTEND THE PRE-CONSTRUCTION MEETING SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE DEVELOPER, PROJECT SUPERVISOR/ENGINEER, CHIEF OF RECORD, SOIL ENGINEER, GRADING CONTRACTOR AND THE UNDERGROUND UTILITIES CONTRACTOR. REPRESENTING THE DEPARTMENT OF BUILDING AND SAFETY SHALL BE THE COUNTY PLANNING DIVISION AND/OR CHIEF INSPECTOR. THE FOCUS OF THE PRE-CONSTRUCTION MEETING SHALL BE TO DISCUSS THE UTILITY ASPECTS AND RESPONSIBILITIES OF THE GRADING PROJECT AND TO PROVIDE AN APPROXIMATE TIME-TABLE FOR THE COMPLETION OF GRADING. ARRANGE FOR A PRE-GRADING/PRE-CONSTRUCTION MEETING BY CALLING THE DISTRICT OFFICE RESPONSIBLE FOR PROVIDING YOUR GRADING AND BIDDING INFORMATION. CALL COUNTY DISTRICT AT (951) 955-4777 TO SETUP PRE-CONSTRUCTION MEETING.

**SOILS ENGINEER'S CERTIFICATION:**  
 I, MATTHEW J. COCHRAN, ENGINEER, A LICENSED ENGINEERING GEOLOGIST, HAVE MADE A SHALLOW AND STUDY OF THE SOILS CONCERNING PRESENT BUSH AND THIS SITE WAS MADE BY ME OR UNDER MY DIRECTION. THESE GRADING PLANS HAVE BEEN REVIEWED BY ME OR UNDER MY DIRECTION AND CONFORM TO THE RECOMMENDATIONS MADE IN OUR GEOLOGICAL ENGINEERING INVESTIGATION REPORT PROJECT NO. 544-17164, DATED 8.2.2012, TO THE BEST OF MY KNOWLEDGE, THE REFERENCED REPORT REPRESENTS THE MOST CURRENT AND COMPLETE INFORMATION RELATIVE TO THE PROPOSED GRADING OF THE SITE. IF A PROFESSIONAL OPINION OF SLASHER ENGINEERING THAT THE CONCLUSIONS AND RECOMMENDATIONS PROVIDED IN OUR REPORT ARE APPROPRIATE AND APPLICABLE TO THIS PROJECT AND THEY ARE IN SUBSTANTIAL CONFORMANCE WITH ALL APPLICABLE CODE, ORDINANCE, AND STANDARDS OF PRACTICE FOR THE PROJECT PROPOSED.

MATTHEW J. COCHRAN, P.E. STAMP DATE

**NOTES:**  
 NO WORK SHALL COMMENCE WITHIN ROAD RIGHT-OF-WAY (R/W) PRIOR TO OBTAINANCE OF AN ENCROACHMENT PERMIT BY THE TRANSPORTATION DEPARTMENT.  
 THE ENGINEER OF RECORD HAS EVALUATED THE DRAINAGE AND HAS DETERMINED THAT THE DRAINAGE ACROSS THE PROPERTY LINE DOES NOT EXCEED THAT WHICH EXISTED PRIOR TO GRADING.  
 THE ENGINEER OF RECORD HAS PREPARED AND SIGNED THE GRADING PLAN HAS VERIFIED THAT THE PROPOSED DRAINAGE SYSTEM IS CONSISTENT WITH THE NATURAL DRAINAGE PATTERN OF THE SITE AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES.  
**NOTE:**  
 THE ENGINEER WHO PREPARED AND SIGNED THIS GRADING PLAN HAS VERIFIED THAT ALL INFORMATION ON THE DRAWINGS IS CONSISTENT WITH THE STORM DRAIN PLANS APPROVED OR CLEARED TO GRADE BY THE RIVERSIDE FLOOD CONTROL DISTRICT (PROJECT # 114), APPROVAL DATE: 1/4/12; THE STREET PLANS APPROVED OR CLEARED TO GRADE BY THE TRANSPORTATION DEPARTMENT (P 12041), APPROVAL DATE: ( ) AND APPROVED PHASE MAP INCLUDING CONDITIONS OF APPROVAL.

**OWNER/APPLICANT:**  
 KOKI RANCH COMPANY, LLC  
 11812 SAN VICENTE BLVD., SUITE 510  
 LOS ANGELES, CA. 90049  
 (310) 276-7300

**REPRESENTATIVE:**  
 ALBERT A. WEBB ASSOCIATES  
 3708 HUNTER STREET  
 RIVERSIDE, CA. 92506  
 951-888-1070

**ENGINEER:**  
 FERRO ENGINEERING, INC.  
 P.O. BOX 12880  
 PALM DESERT, CA. 92255  
 760-346-9015  
 ron@ferro.net

**APN:**  
 751-070-033 & 751-070-034

**SITE ADDRESS:**  
 8810 66TH AVENUE  
 THERMAL, CA. 92274

**PROJECT DATA:**  
 TOTAL LOT AREA: 5,852,767 SQ/FT (133.00 ACRES)  
 DISTURBED AREA: 5,391,847 SQ/FT (123.76 ACRES)

**LEGAL DESCRIPTION:**  
 A PORTION OF THE NORTHEAST AND SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 7 SOUTH, RANGE 8 EAST, SAN BERNARDINO BASE AND MERIDIAN

**LAND USE:**  
 EXISTING LAND USE = VACANT  
 PROPOSED LAND USE = SINGLE FAMILY RESIDENTIAL  
 EXISTING ZONING = SF  
 PROPOSED ZONING = SF

**SCHOOL DISTRICT:**  
 COACHELLA VALLEY UNIFIED SCHOOL DISTRICT

**UTILITIES:**  
 WATER ..... COACHELLA VALLEY WATER DISTRICT  
 TELEVISION ..... SPECTRUM  
 SEWER ..... COACHELLA VALLEY WATER DISTRICT  
 GAS ..... SOUTHERN CALIFORNIA GAS COMPANY  
 ELECTRIC ..... IMPERIAL IRRIGATION DISTRICT  
 TELEPHONE ..... FRONTIER

**FLOOD ZONE:**  
 ZONES: A  
 COMMUNITY PANEL NO. 0006628210W  
 MAP REVISION: 3/6/2018

LAND IS SUBJECT TO OVERFLOW, INUNDATION, OR FLOOD HAZARD

**BASIS OF BEARINGS:**  
 IS GRID NORTH FOR CALIFORNIA COORDINATES SYSTEM NAD83, ZONE 8 TAKEN FROM THE COACHELLA THERMAL, NECT, NAD83, DATUM AND NAD83 ZONE 8 G A 2  
 COORDINATES AND DISTANCES ARE BASED ON GRID COORDINATES TO OBTAIN OBTAIN DISTANCES MULTIPLY BY 1.0000311763, THE AVERAGE CORRECTION FACTOR, (AT FT. 84)

**BOUNDARY:**  
 THE BOUNDARY USED FOR THIS PROJECT IS RIVERSIDE COUNTY BM C-1236 ELEV = 181.67' AND BE DANGER, THE BASE ELEVATION DATUM FOR THE PROJECT HAS BEEN SHIFTED +44.30' TO MATCH THE SITE GRADING PLANS.

**SOURCE OF TOPOGRAPHY:**  
 THE TOPOGRAPHY SHOWN HEREON WAS OBTAINED BY AN AERIAL SURVEY BY CENTRAL COAST AERIAL MAPPING INC. DATE OF PHOTO: 10-14-16

**NOTE:**  
 ALL INFORMATION ASSOCIATED WITH BUILDINGS (INCLUDING SERVICES AND IF ELABORATED) IS FOR REFERENCE ONLY AND THE APPROVAL OF THESE GRADING PLANS DO NOT INCLUDE ANY PROVISIONS ASSOCIATED WITH BUILDINGS.

**NOTE:**  
 AN ENCROACHMENT PERMIT ISSUED BY THE COUNTY TRANSPORTATION DEPARTMENT IS REQUIRED FOR ALL WORK WITHIN THE STREET RIGHT OF WAY



**FERRO ENGINEERING, INC.**  
 Civil Engineering Land Surveying  
 P.O. Box 12880 Palm Desert, California 92255  
 (760) 346-9015  
 www.ferro.net  
 Equal Opportunity Employer  
 "PROGRESS THROUGH THE SURVEY PROFESSION"

In the Unincorporated Territory of Riverside County  
**Preliminary Grading & Drainage Plan**  
 SCHEDULE "A" SUBDIVISION  
 T75 RBE SEC 9 SBBM  
 8810 66th Ave., Suite 510, Los Angeles, CA 90049  
 FOR: Thermal Beach Club











MATCHLINE- SEE SHEET 5

APN:751-070-033  
NOT A PART  
UNDISTURBED

TENTATIVE TRACT  
NO. 33487

EXISTING/NATURAL  
RETENTION BASIN

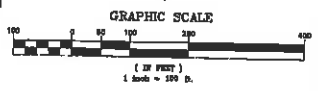
APN:751-200-018  
LAND USE: IND  
ZONING: A-1-10  
EXISTING MOBILE HOMES

THE DRIVE AVENUE AS  
SHOWN ARE LOCATED SOUTH  
OF AVENUE 66 AND WILL  
NOT BE AFFECTED BY THE  
PROPOSED DEVELOPMENT.

APN:751-200-012  
LAND USE: IND  
ZONING: A-1-10  
VACANT

- LEGEND & ABBREVIATIONS:**
- C CENTERLINE
  - P PROPERTY LINE
  - TH AND ELEVATION
  - TH TOP OF HEADWALL
  - (E.S.) EXISTING ELEVATION
  - (P.S.) PROPOSED ELEVATION
  - (S.S.) EXISTING CONTOUR
  - (P.S.) FINISH CONTOUR
  - DRAINAGE SWALE
  - PROPERTY LINE / RIGHT-OF-WAY
  - CENTERLINE
  - STORMWATER LINE
  - CATCH BASIN
  - SLOPE LINE
  - RIVER LINE
  - FLOODWALL LINE
  - EXISTING OVERHEAD POWER
  - EXISTING WATER LINE
  - EXISTING OTHER LINE
  - WATER METER
  - WASTEWATER METER
  - WATER
  - PROPOSED PAVING
  - PROPOSED PAVING
- (W) APPROXIMATE LOCATION OF  
WATERHOLE PER SOILS REPORT  
EX = EXISTING GROUND ELEVATION  
WEL = EX. WATER TABLE ELEVATION

APN:749-320-001  
LAND USE: IND  
ZONING: A-1-10  
VACANT



**LE**  
Civil Engineering  
Land Surveying  
www.les.com

San Jose 95128  
Folsom, California 95692  
(760) 244-0515

In the Incorporated Territory of Riverside County

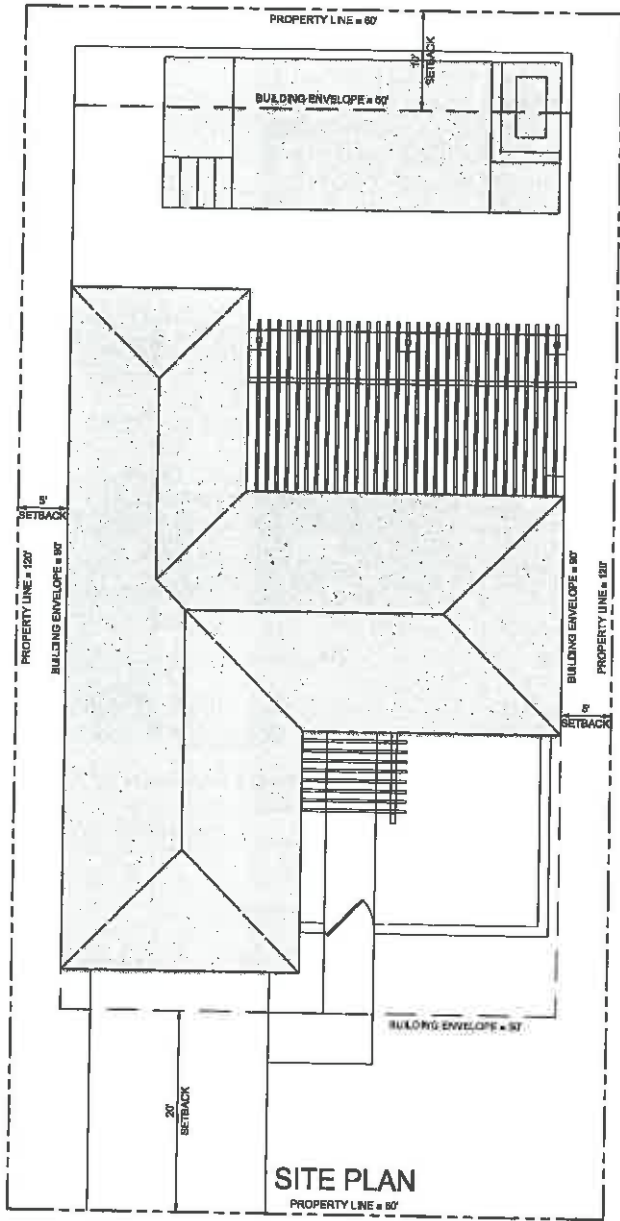
**Preliminary Grading & Drainage Plan**  
SCHEDULE "A" SUBDIVISION  
T7S R8E SEC 9 SB8M  
1000 1000 Area, Block 0, 1000' x 1000' x 1000' x 1000'

DATE: 10/15/2024  
PROJECT: Thermal Beach Club

6  
SHEET NUMBER



	Units	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms	Total Units	Max Occupancy
Beach Club Estates	32		10	19	3	32	
Projected Max Occupancy with Guest			58	154	30		241
	Units	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms	Totals	
Newport Estates	31		9	19	3	31	
Projected Max Occupancy with Guest			56	149	30		235
	Units	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms	Totals	
Villas	65		32	33		65	
Projected Max Occupancy with Guest			192	260			452
	Units	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms	Totals	
Residence Club	48	19	29			48	
Projected Max Occupancy with Guest	(2/lot)	77	173				250
	Units	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms	Totals	
Bungalows North	82	33	49			82	
Projected Max Occupancy with Guest	(2/lot)	131	295				426
	Units	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms	Totals	
Off Newport Estates	68	27	41			68	
Projected Max Occupancy with Guest	(4/lot)	109	245				354
	<b>Total Units</b>						<b>Max Occupancy with Guest</b>
	326						1957



SITE PLAN



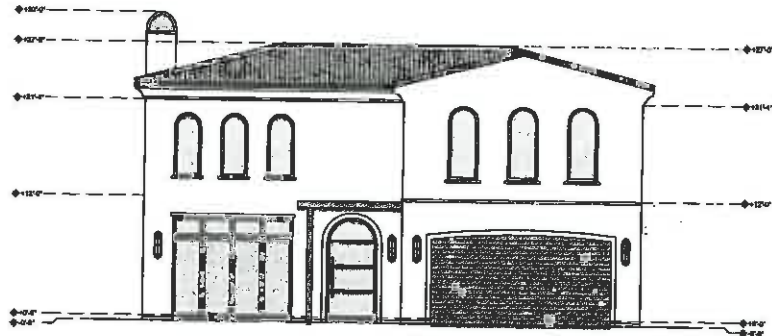
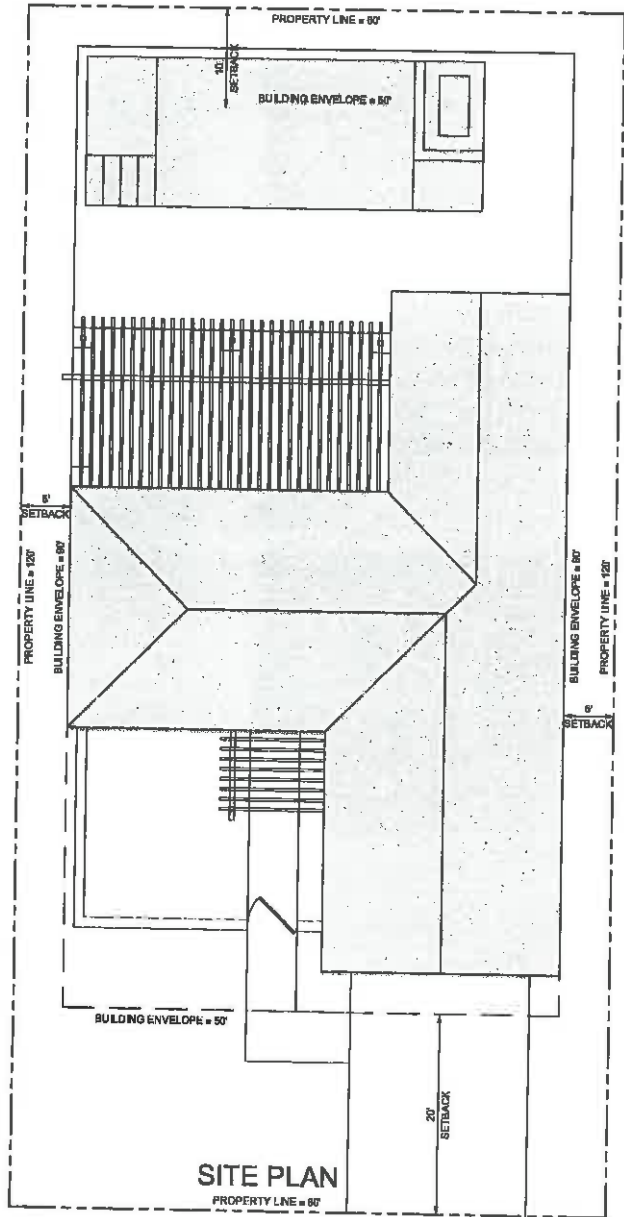
FRONT ELEVATION



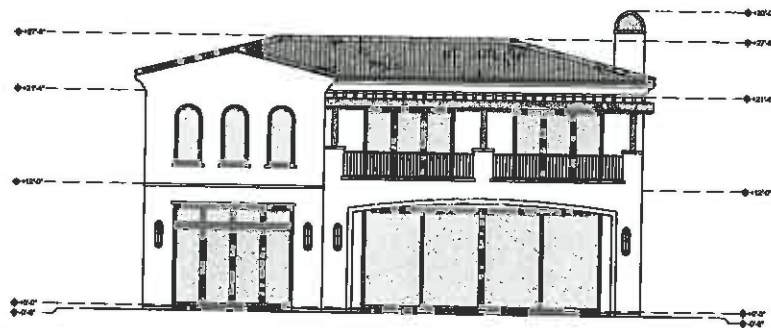
REAR ELEVATION

THERMAL BEACH CLUB - NEWPORT ESTATES



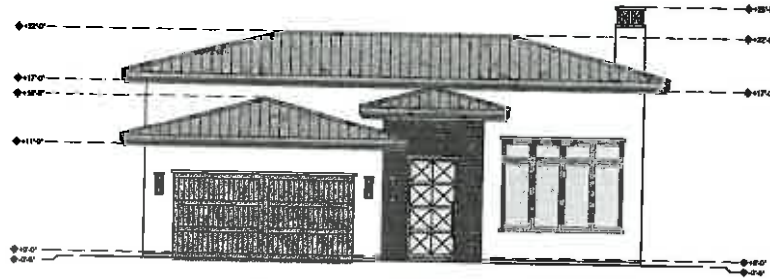
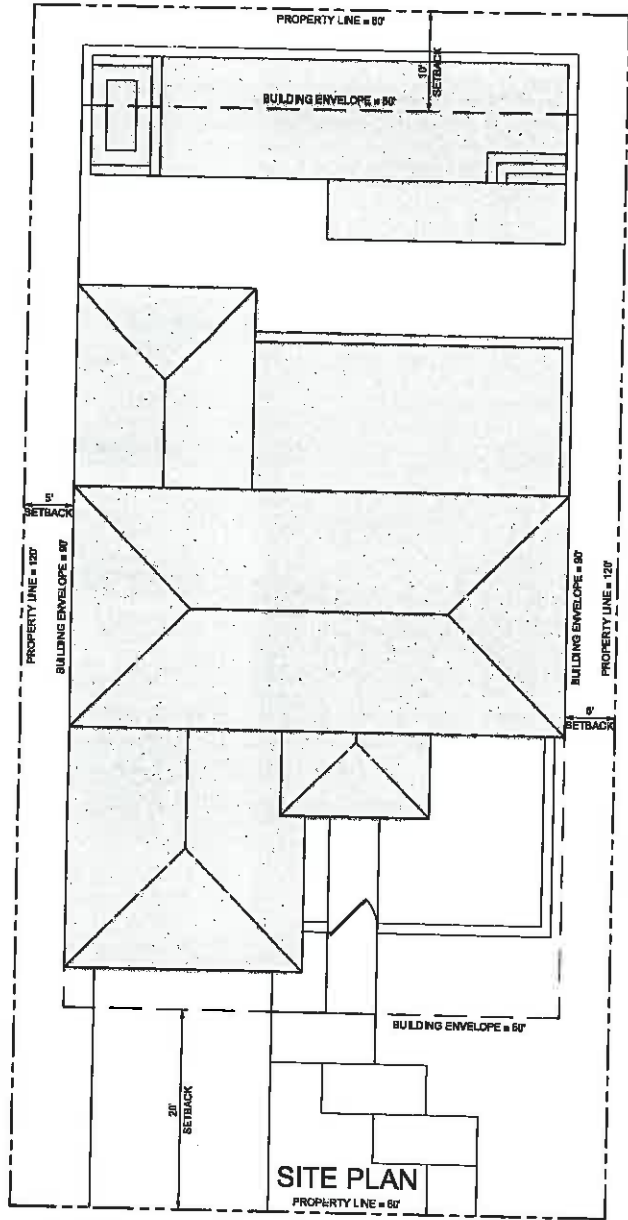


**FRONT ELEVATION**



**REAR ELEVATION**

**THERMAL BEACH CLUB - RESIDENTIAL FRACTIONAL**

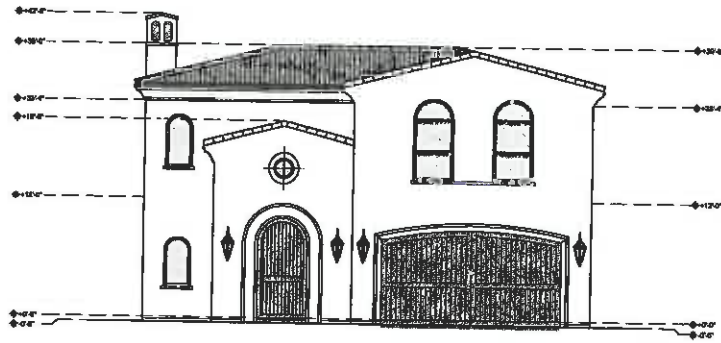
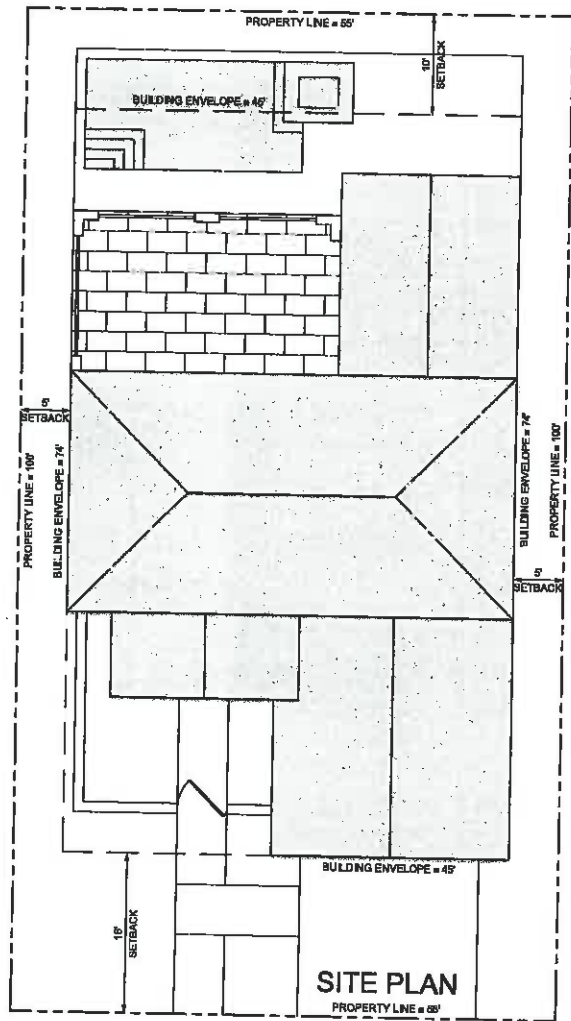


**FRONT ELEVATION**

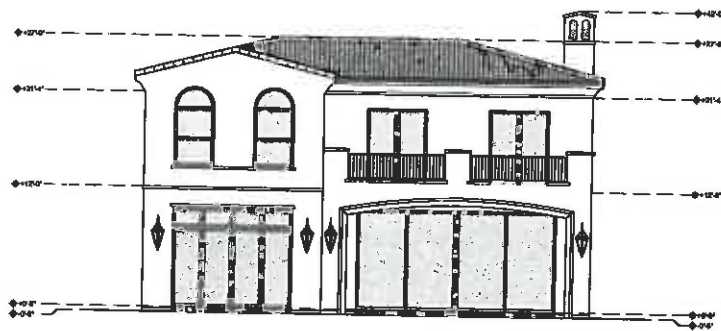


**REAR ELEVATION**

**THERMAL BEACH CLUB - BEACH CLUB ESTATES**

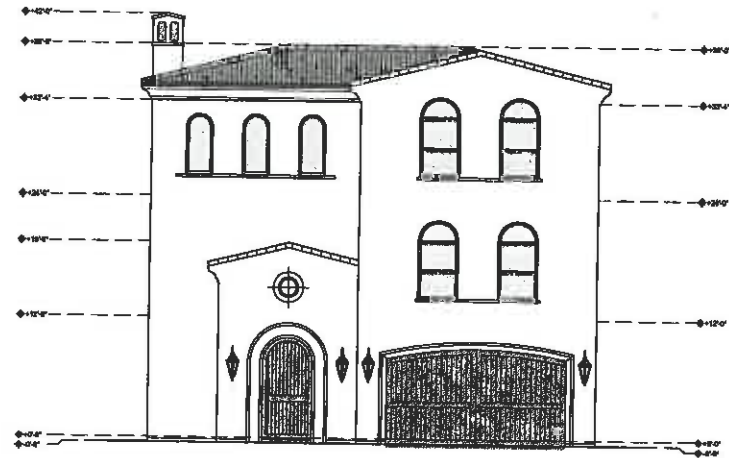
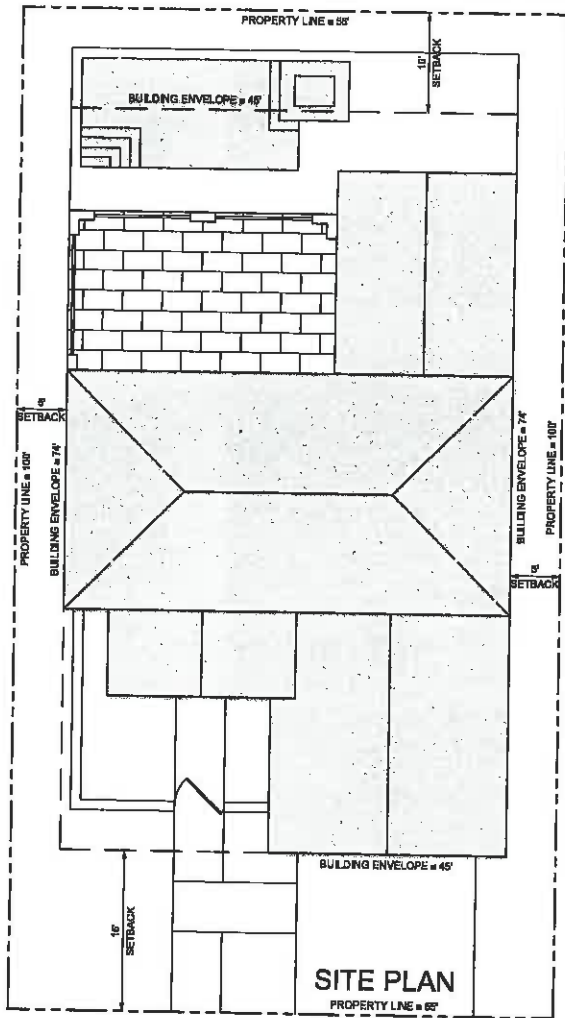


**FRONT ELEVATION**



**REAR ELEVATION**

**THERMAL BEACH CLUB - VILLAS**

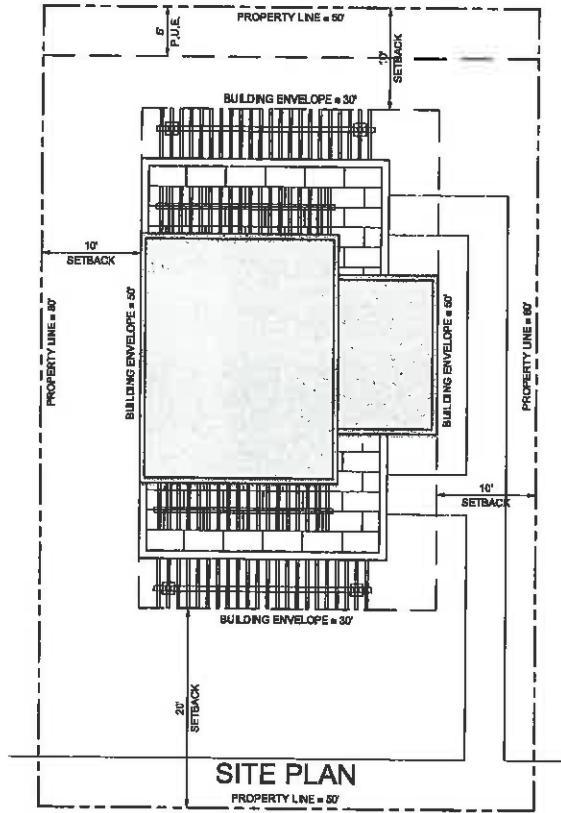


FRONT ELEVATION

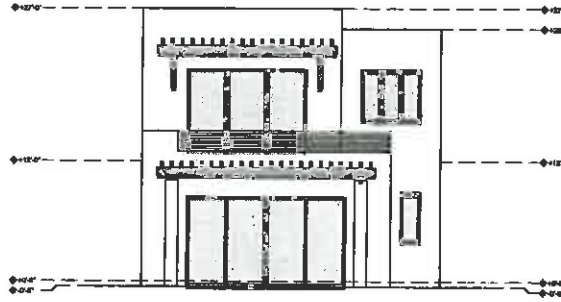


REAR ELEVATION

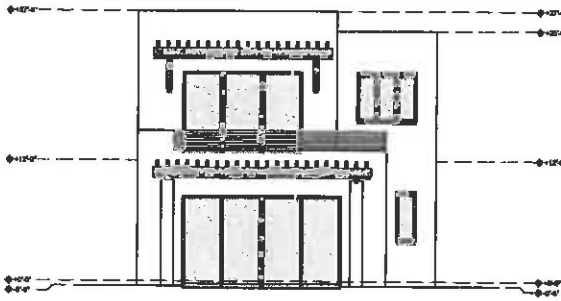
THERMAL BEACH CLUB - VILLAS



SITE PLAN



REAR ELEVATION



FRONT ELEVATION

THERMAL BEACH CLUB - BUNGALOWS

**NOTICE OF PUBLIC HEARING**  
**RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the application described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. For more information please contact **ALUC Planner John Guerin at (951) 955-0982**. The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan.

The Riverside County Planning Department may hold hearings on this item and should be contacted on non-ALUC issues. For more information please contact County of Riverside Planner Mr. Jason Killebrew at (951) 955-0314.

The proposed project application may be viewed and written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, California 92501, Monday through Thursday from 8:00 a.m. to 5:00 p.m., and by prescheduled appointment on Fridays from 9:00 a.m. to 5:00 p.m.

PLACE OF HEARING: Riverside County Administration Center  
4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
Riverside California

DATE OF HEARING: June 13, 2019

TIME OF HEARING: 9:30 A.M.

**CASE DESCRIPTION:**

**ZAP1046TH19 – Kohl Ranch Company, LLC "Thermal Beach Club" (Representative: Melissa Perez, Albert A. Webb Associates)** – County of Riverside Planning Case Nos. TTM 37269 (Tentative Tract Map) and PP 180037 (Plot Plan). Tentative Tract Map No. 37269 is a proposal to divide 239 acres within two existing parcels with a total area of 307.12 acres located southerly of 64<sup>th</sup> Avenue, easterly of Tyler Street, northerly of 66<sup>th</sup> Avenue, and westerly of Polk Street into 210 residential lots that will accommodate 326 dwelling units. All of the lots will have a net area not exceeding 8,712 square feet (0.2 acre). 128 lots will accommodate individual single-family residences. 65 lots will accommodate duplexes (two unit structures). 17 lots will accommodate four-unit structures (four-plexes). Additional lots will accommodate a surf lagoon, village area with clubhouse buildings, reservoir, and drainage areas. Plot Plan No. 180037 is a proposal to establish a surf lagoon with wave making capabilities on 21 acres and to develop a clubhouse village area consisting of four buildings with a combined gross floor area of 42,000 square feet. Anticipated uses of the clubhouse buildings include a restaurant, kitchen facilities, bar, spa, exercise facilities, swimming pool, deck, retail uses, and administration. The project is proposed under the name "Thermal Beach Club" (Compatibility Zones D and E of the Jacqueline Cochran Regional Airport Influence Area).





# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## APPLICATION FOR MAJOR LAND USE ACTION REVIEW

ALUC CASE NUMBER: ZAP 1046 TH 19 DATE SUBMITTED: April 23, 2019

JCRA  
D/E/OUT

### APPLICANT / REPRESENTATIVE / PROPERTY OWNER CONTACT INFORMATION

**Applicant** Kohl Ranch, LLC Phone Number 310-276-7300  
**Mailing Address** 11812 San Vicente Blvd., Suite 150 Email kohl.david@gmail.com  
Los Angeles, CA 90049

**Representative** Albert A WEBB Associates Phone Number 951-686-1070  
**Mailing Address** 3788 McCray Street Email fayres.hall@webbassociates.com  
Riverside, CA 92506

**Property Owner** Kohl Ranch, LLC Phone Number 310-276-7300  
**Mailing Address** 11812 San Vicente Blvd., Suite 150 Email kohl.david@gmail.com  
Los Angeles, CA 90049

### LOCAL JURISDICTION AGENCY

**Local Agency Name** County of Riverside Phone Number 951-955-0314  
**Staff Contact** Jason Killebrew Email jkillebr@rivco.org  
**Mailing Address** 4080 Lemon Street, 12th Floor Case Type

**Local Agency Project No** TTM 37269  
PP 180037

General Plan / Specific Plan Amendment  
 Zoning Ordinance Amendment  
 Subdivision Parcel Map / Tentative Tract  
 Use Permit  
 Site Plan Review/Plot Plan  
 Other

### PROJECT LOCATION

Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways

**Street Address** 86310 66TH AVE

**Assessor's Parcel No.** 751-070-033 & 751-070-034 **Gross Parcel Size** 239 acres

**Subdivision Name** Thermal Beach Club TTM 37269 **Nearest Airport and** Jacqueline Cochran  
**Lot Number** 326 residential lots **distance from Air-** Regional Airport  
**port** 6.2 miles

### PROJECT DESCRIPTION

If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed

**Existing Land Use** Vacant, SP  
**(describe)**

Proposed Land Use (describe)	Single family residential, SP		
For Residential Uses	Number of Parcels or Units on Site (exclude secondary units)		326
For Other Land Uses (See Appendix C)	Hours of Operation	N/A	
	Number of People on Site	Maximum Number	N/A
	Method of Calculation		
Height Data	Site Elevation (above mean sea level)	290 +/-	ft.
	Height of buildings or structures (from the ground)	42	ft.
Flight Hazards	Does the project involve any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?		<input type="checkbox"/> Yes
	If yes, describe		<input checked="" type="checkbox"/> No
	_____		
	_____		

- A. **NOTICE:** Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive, of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.
- B. **REVIEW TIME:** Estimated time for "staff level review" is approximately 30 days from date of submittal. Estimated time for "commission level review" is approximately 45 days from date of submittal to the next available commission hearing meeting.
- C. **SUBMISSION PACKAGE:**
- 1. . . . . Completed ALUC Application Form
  - 1. . . . . ALUC fee payment
  - 1. . . . . Plans Package (24x36 folded) (site plans, floor plans, building elevations, grading plans, subdivision maps)
  - 1. . . . . Plans Package (8.5x11) (site plans, floor plans, building elevations, grading plans, subdivision maps, zoning ordinance/GPA/SPA text/map amendments)
  - 1. . . . . CD with digital files of the plans (pdf)
  - 1. . . . . Vicinity Map (8.5x11)
  - 1. . . . . Detailed project description
  - 1. . . . . Local jurisdiction project transmittal
  - 3. . . . . Gummed address labels for applicant/representative/property owner/local jurisdiction planner
  - 3. . . . . Gummed address labels of all surrounding property owners within a 300 foot radius of the project site. (Only required if the project is scheduled for a public hearing Commission meeting)

**ALBERT A. WEBB ASSOCIATES**

3788 McCRAY STREET, RIVERSIDE, CALIFORNIA 92506  
TELEPHONE (951) 686-1070 FAX  
www.webbassociates.com  
Email : haley.franco@webbassociates.com

LETTER OF TRANSMITTAL

DATE: W.O. NO. : 2017-0409  
April 23, 2019 FILE NO. : 5273.0018

TO: County of Riverside - Airport Land Use Commission  
(RCALUC)  
4080 Lemon Street, 14th Floor, Riverside, CA,  
92501-3609

ATTENTION : Mr. John Guerin

RE: Thermal Beach Club - Plot Plan 180037 and  
Tentative Tract Map 37269 - ALUC 1st Review

TRANSMITTED: VIA: Hand Delivered (951) 955-0982

- One (1) Check No. 1548 for \$3,036.00 (\$1,515 for TM, \$1,331 for PP, \$190 for public hearing)
- One (1) RCALUC Application
- One (1) Email correspondence with John regarding fees and package dated 4/16/19
- One (1) Initial Case Transmittal from Planning dated 1/2/2019
- One (1) 8.5 x 11 Vicinity Map
- One (1) Project Description
- One (1) Wildlife Hazard Site Visit and Management Plan Review by Bash dated March 2019
- One (1) Architectural Building Elevation & Floor Plan for Plot Plan (8.5x11)
- One (1) Architectural Building Elevation & Floor Plan for Tentative Map (11x17)
- One (1) Plot Plan 180037
- One (1) Tentative Tract Map 37269
- One (1) Preliminary Grading & Drainage Plan
- One (1) 8.5 x 11 reduced set of the above listed items
- Three (3) Gummed Address Labels - Applicant/Owner/Representative/Local Jurisdiction
- Three (3) Gummed Address Labels - 300' Radius Property Owners
- One (1) Disc with the above listed items in PDF

THESE ARE TRANSMITTED AS CHECKED BELOW

FOR APPROVAL	FOR YOUR USE	AS REQUESTED	FOR REVIEW AND COMMENT <input checked="" type="checkbox"/>
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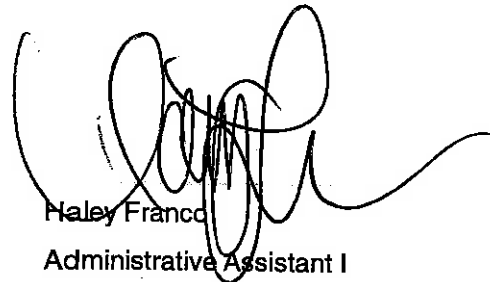
OTHER:

NOTES / COMMENTS:

John,

Please find the enclosed ALUC submittal package for both TTM 37269 and PP 180037 for your initial review and comment. Should you have any questions, and when your review has been completed, please contact myself or Melissa Perez at 951-320-6007 or [Melissa.perez@webbassociates.com](mailto:Melissa.perez@webbassociates.com).

Thank you,  
Haley



Haley Franco  
Administrative Assistant I

HCF/HCF

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE .

NOTICE: Due to the fact that email, discs or other electronic media can deteriorate or can be tampered with or damaged, use of this media or any attachments by anyone without approval of A.A. Webb Associates and verification of its content shall be at the user's sole risk and A.A. Webb Associates shall have no liability therefor. The user agrees to release and hold A.A. Webb Associates harmless from all liability arising from such unauthorized use or from any changes made to the media by the user. Transmittal or delivery of this electronic media shall not constitute a waiver or assignment of any copyright or intellectual property rights of A.A. Webb Associates. This electronic message or disc and any attachments may contain PRIVILEGED, CONFIDENTIAL or otherwise LEGALLY PROTECTED INFORMATION intended solely for the use of the intended recipient. If the reader of this message is not believed to be the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, copying or other use of this message, disc or any attachments is strictly prohibited. If you have received this material in error, please notify the sender immediately by telephone at 951-686-1070 or by email, and permanently delete this material and all copies or backups thereof. Thank you.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.1

**HEARING DATE:** July 11, 2019

**CASE NUMBER:** ZAP1368MA19 –Daniel Duenas (Representative: Miguel A. Villasenor, Inland Valley Surveying)

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** PM37627 (Tentative Parcel Map)

**MAJOR ISSUES:** None

**RECOMMENDATION:** Staff recommends that the Commission find the proposed Tentative Parcel Map CONSISTENT, subject to the conditions included herein.

**PROJECT DESCRIPTION:** The applicant proposes to divide 3.62 gross acres into 2 single family residential lots.

**PROJECT LOCATION:** The site is located at 19655 Camino Del Sol, southerly of Cajalco Road and westerly of Seaton Avenue, approximately 11,340 feet southwesterly of the southerly end of Runway 14-32 at March Air Reserve Base.

**LAND USE PLAN:** 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan

- a. Airport Influence Area: March Air Reserve Base
- b. Land Use Policy: Zone C2
- c. Noise Levels: below 60 CNEL from aircraft

**BACKGROUND:**

Residential Density: Pursuant to the Airport Land Use Compatibility Plan for the March Air Reserve Base/Inland Port Airport, the site is located within Compatibility Zone C2. Zone C2 criteria restrict residential density to a maximum of 6.0 dwelling units per acre. The project proposes dividing 3.62 gross acres into 2 single family residential lots, resulting in a density of 0.6 dwelling units per acre, which is consistent with the Compatibility Zone C2 residential criteria.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited or discouraged in Compatibility Zone C2.

Noise: The March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan depicts the site as being outside the 60 CNEL range from aircraft noise. Therefore, no special measures are required to mitigate aircraft-generated noise.

Part 77: The elevation of Runway 14-32 at its southerly terminus is 1,488 feet above mean sea level (1,488 feet AMSL). At a distance of approximately 11,340 feet from the runway to the site, Federal Aviation Administration (FAA) review would be required for any structures with top point exceeding 1,601 feet AMSL. The site elevation is approximately 1,595 feet AMSL. There are two existing homes on the property. Therefore, review by the FAA Obstruction Evaluation Service is not required at this time. However, such review will be required for future building permits. A condition has been included stating that FAA OES review and issuance of a "Determination of No Hazard to Air Navigation" letter will be required prior to building permit issuance.

Open Area: None of the Compatibility Zones for the March Air Reserve Base/Inland Port ALUCP require open area specifically.

#### **CONDITIONS:**

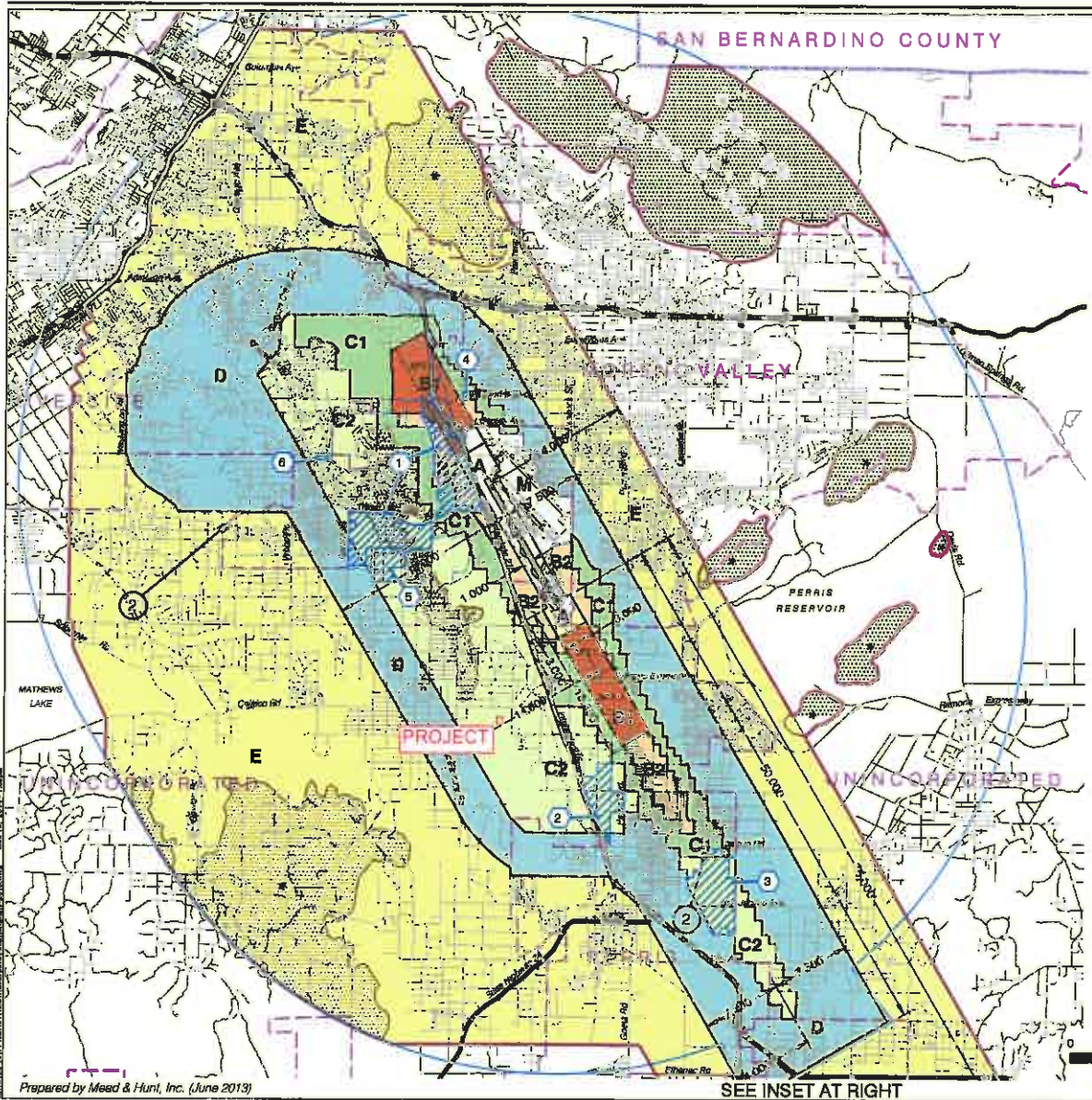
1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site in accordance with Note A on Table 4 of the Mead Valley Area Plan:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

3. The following uses/activities are specifically prohibited at this location: trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes; construction and demolition debris facilities; wastewater management facilities; incinerators; noise-sensitive outdoor nonresidential uses; and hazards to flight. Children's schools are discouraged.
4. The attached notice shall be given to all prospective purchasers of the proposed lots and tenants of any dwellings thereon, and shall be recorded as a deed notice prior to or in conjunction with recordation of the final map. In the event that the Office of Riverside County Assessor-Clerk-Recorder declines to record said notice, the text of the notice shall be included on the Environmental Constraint Sheet (ECS) of the final parcel map, if an ECS is otherwise required.
5. Any ground-level or aboveground water detention basin or facilities shall be designed and maintained for a maximum 48-hour detention period after the design storm and remain totally dry between rainfalls. Vegetation around such facilities that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced to prevent large expanses of contiguous canopy, when mature. Trees and bushes shall not produce fruit, seeds, or berries.
6. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
7. Prior to building permit issuance for any additional (new) buildings, the permittee shall have submitted Form 7460-1 to the Federal Aviation Administration Obstruction Evaluation Service and shall have received a "Determination of No Hazard to Air Navigation" letter pertaining to that structure.



# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)



**LEGEND**

**Compatibility Zones**

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C1
- Zone C2
- Zone D
- Zone E
- Zone M
- High Terrain Zone
- FAR Part 77 Military Outer Horizontal Surface Limits
- FAR Part 77 Notification Area

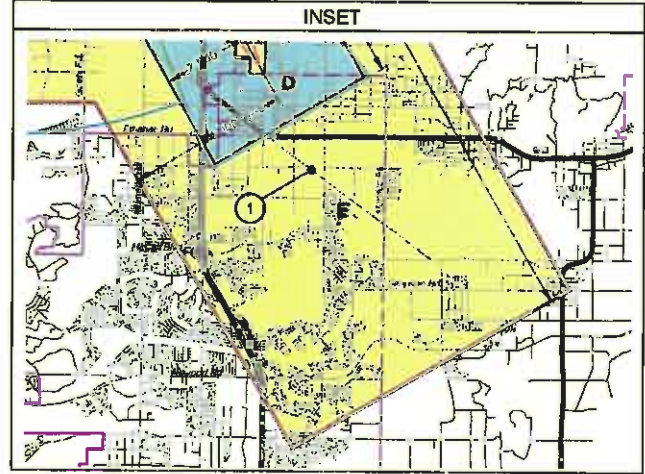
**Boundary Lines**

- March Air Reserve Base / Air Force Property
- March Joint Powers Authority Property Line
- County Boundary
- City Limits
- Site-Specific Exceptions (existing local agency commitments to development projects)

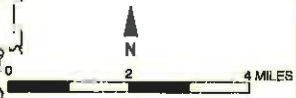
- 1 March JPA: March Business Center/Meridian
- 2 Perris: Harvest Landing
- 3 Perris: Park West
- 4 Moreno Valley: Affordable Housing
- 5 March JPA: Ben Clark Training Center
- 6 Riverside: Ridge Crest Subdivision

1 Point at which aircraft on Runway 32 ILS approach descend below 3,000 feet above runway end. Airport Elevation is 1,535 feet MSL.

2 Point at which departing aircraft typically reach 3,000 feet above runway end.



Note:  
All dimensions are measured from runway ends and centerlines.



**Riverside County  
Airport Land Use Commission**  
**March Air Reserve Base / Inland Port Airport  
Land Use Compatibility Plan**  
(Adapted November 13, 2014)

Map MA-1

**Compatibility Map**  
March Air Reserve Base / Inland Port Airport

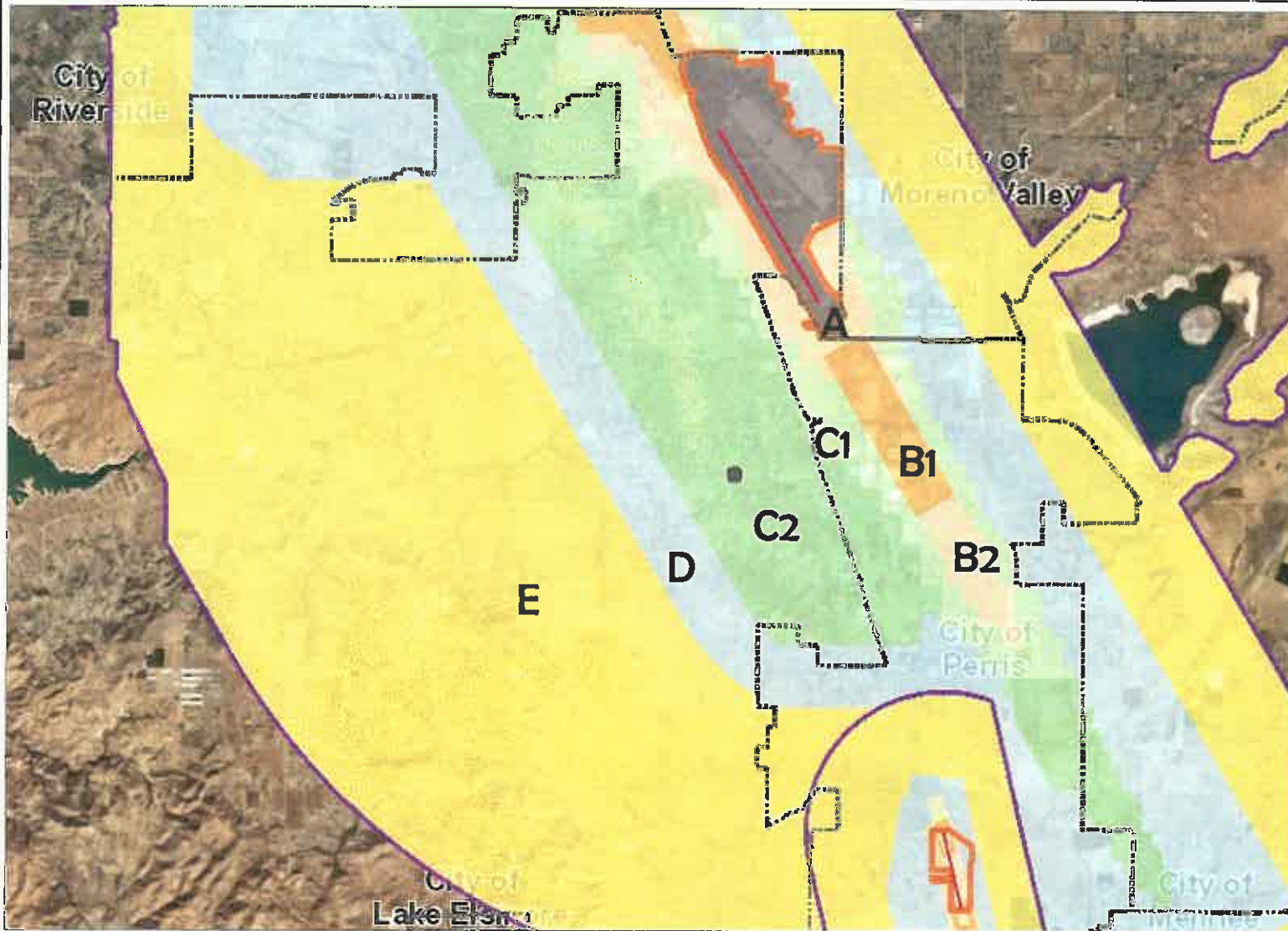
Prepared by Meed & Hunt, Inc. (June 2013)

SEE INSET AT RIGHT

Base map source: County of Riverside 2013



# Map My County Map



**Legend**

- Runways
- ▭ Airports
- ▭ Airport Influence Areas
- Airport Compatibility Zones**
- ▨ OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC8



**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

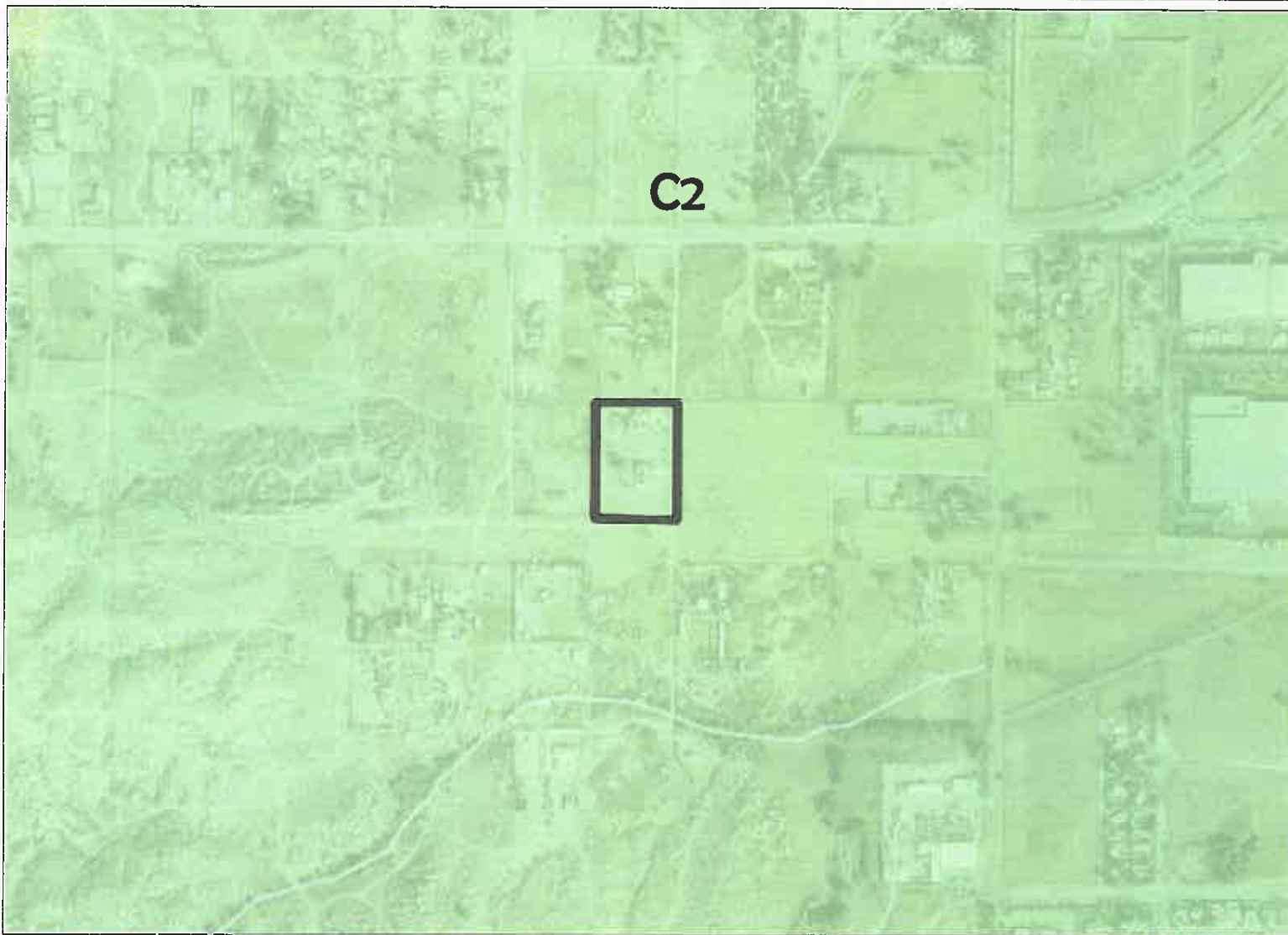
**Notes**



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# Map My County Map



### Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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### Notes



# Map My County Map



### Legend

- City Areas
- World Street Map



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### Notes



# Map My County Map



## Legend

- Blueline Streams
- City Areas
- World Street Map



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0 3,032 6,064 Feet

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## Notes



# Map My County Map



## Legend

- Blueline Streams
- City Areas
- World Street Map



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0 758 1,516 Feet

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## Notes



INLAND VALLEY SURVEYING, INC.

CONSTRUCTION STAKING ▪ BOUNDARY SURVEYS ▪ TOPOGRAPHIC SURVEYS

**Detailed Project Description**

Airport Land Use Commission Riverside County  
4080 Lemon Street 14<sup>th</sup> Floor  
Riverside, CA 92501

May 16, 2019

Attention: Paul Rull

**Subject: PM37627**

Dear Mr. Rull

Tentative Parcel Map intends to subdivide a 3.61 acre gross parcel into two parcels, the first parcel being 1.61 acres gross and the second parcel being 2.00 acres gross. There are two existing single-family residences on this parcel and no future development is planned.

If you have any other questions or concerns please do not hesitate and give me a call at 951-657-1200.

Respectfully submitted,

Inland Valley Surveying, Inc.

  
Miguel A. Villasenor, PLS  
President

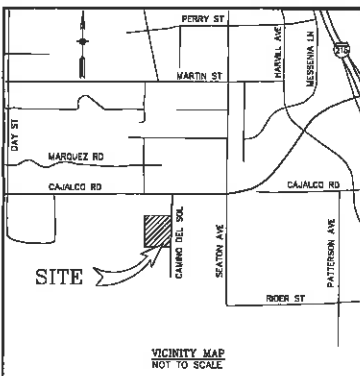
IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

# TENTATIVE PARCEL MAP NO. 37627

INLAND VALLEY SURVEYING, INC.

OCTOBER, 2018.

CAJALCO ROAD



**OWNER/APPLICANT:**

DANIEL DEANAS  
19055 CAMINO DEL SOL  
PERRIS, CA 92570  
PHONE: (714) 951-1778

**SITE ADDRESS:**

19055 CAMINO DEL SOL  
PERRIS, CA 92570

**TOTAL LOTS: THOMAS BROS. GUIDE MAP:**

NUMBER LOTS 5 RIVERSIDE/SAN BERNARDINO COUNTY, TRAP 2004  
LETTER LOTS J PAGE 777 CODE: SJ & CL

**AREA:**

3.61 ACRES GROSS

2.69 ACRES NET

**ASSESSOR'S PARCEL:**

317-090-013

**LEGAL DESCRIPTION:** (DEPT. REEL, REC'D 01/05/2004, INST. No. 2004-000339, O.R.)

PARCEL 1: THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE, AND MERIDIAN;

EXCEPTING THEREFROM THAT PORTION CONVEYED TO METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA BY DEED RECORDED AUGUST 17, 1933 IN BOOK 1A, PAGE OF OFFICIAL RECORDS OF RIVERSIDE COUNTY CALIFORNIA;

PARCEL 2: A NON-EXCLUSIVE EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES OVER THE EAST 17 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE, AND MERIDIAN;

EXCEPTING THEREFROM THAT PORTION CONVEYED TO METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA BY DEED RECORDED AUGUST 17, 1933 IN BOOK 1A, PAGE OF OFFICIAL RECORDS OF RIVERSIDE COUNTY CALIFORNIA;

PARCEL 3: A NON-EXCLUSIVE EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES OVER THE SOUTH 30 FEET, EXCEPT THE WEST 200 FEET, THEREOF AND THE EAST 30 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE, AND MERIDIAN.

**GENERAL NOTES:**

- THIS MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF SUBSEQUENT.
- THIS LAND IS NOT SUBJECT TO LIEN OR OTHER ENCUMBRANCES.
- THIS MAP IS NOT INCLUDED IN THE FEMA FLOODPLAIN MAP OF RIVERSIDE COUNTY, CA.
- ALL DRIVEWAYS SHALL BE A MINIMUM OF 10' IN WIDTH.
- SPURDLES 5'.
- THIS LAND IS NOT SUBJECT TO OVERFLOW, INUNDATION, OR FLOOD HAZARD.
- NO ALTERATIONS SHALL BE MADE TO CAJALCO DEL SOL REGARDING TILES OR ANY OTHER UTILITIES.
- PROPERTY IS NOT WITHIN COUNTY SERVICE AREA.
- MINIMUM DIMENSIONS (ARCICLE 16.0 OF ZONING ORDINANCE):  
MINIMUM LOT AREA: 20,000 SQ. FT.  
MINIMUM LOT WIDTH: 150.00 FEET  
MINIMUM LOT DEPTH: 100.00 FEET
- PROPERTY IS CURRENTLY OWNED BY THE OWNER.
- PROPERTY IS WITHIN UNINCORPORATED TERRITORY OF COUNTY OF RIVERSIDE, NOT WITHIN A SPECIFIC PLAN.
- NO KNOW EXISTING WELLS ON PROPERTY OR WITHIN 200 FEET OF PROPERTY.
- LOW LIQUIDATION/HAZARD OTHER GEOLOGICAL HAZARDS HAZARD IS IN A SPECIAL STUDY ZONE.
- NOT SUBJECT TO INVADATION.
- THE TENTATIVE MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND DIVIDER.
- THE PRIMARY ACCESS SHALL BE CAMINO DEL SOL.
- THE USGS QUADRANGLE MAP IS "STEELER PEAK CA".

**EASEMENT NOTES:**

- 30' NON-EXCLUSIVE EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES, PER INST. NOS. 21872, 21873, 21874, 21875, 21877 AND 21878-BYRAN, INCLUDING RECD. 8-17-70 (PARCEL 2 OF LEGAL DESCRIPTION).
- 30' NON-EXCLUSIVE EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES, PER INST. NOS. 21876 TO 21878, INCLUDING 21877 TO 21886, INCLUDING RECD. 8-17-70.
- 17' ACCESS EASEMENT PER INST. No. 2004-000339, O.R.
- 17' ACCESS EASEMENT PER INST. No. 2004-000339, O.R.

NOTE: ALL SLOPES LABELED 2:1 ARE 2:1 SLOPES, THERE ARE NO SLOPES GREATER THAN 2:1 NOR HEIGHTS EXCEEDING 40 FEET.

**MINIMUM LOT REQUIREMENT:**

AREA: 20,000 SQ. FT.  
WIDTH: 100 FEET  
DEPTH: 100 FEET

**MINIMUM YARD SETBACKS:**

FRONT 20'  
SIDE 5'  
REAR 10'

**SOURCE:** RIVERSIDE COUNTY

WEB: <http://perris.org/cdmag/>

**FEMA FLOOD MAP:**

THE FLOOD MAP FOR THE SUBJECT PROPERTY IS NUMBER 050803410G, EFFECTIVE ON 05/28/2009. FLOOD HAZARD ZONE X (AREA OF MINIMAL FLOOD HAZARD)

**BENCHMARK:**

THE NATIONAL GEODETIC SURVEY BENCHMARK 025445, A STANDARD ROUND 3 1/4" ALUMINUM DISK, 0.5 MILE WEST ALONG CAJALCO RD FROM SEATON AVE, 85 FEET SOUTH OF CAJALCO ON LARGE GRANITE BOULDER 29x3 FEET.

NAVORS DATUM, ELEVATION = 1,528.19 FEET.

**UTILITIES:**

WATER: 8" HDPE  
SEWER: 8" PVC  
GAS: 8" GAL. GAS  
ELECTRIC: 8" CAL. EDISON  
TELEPHONE: 4" VERTIC.  
CABLE: 4" TIME WARNER  
SCHOOL DISTRICT: VAL VERDE UNIFIED  
SERVICE DISTRICT: HEAD VALLEY

**ZONING:**

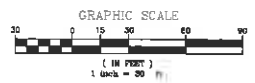
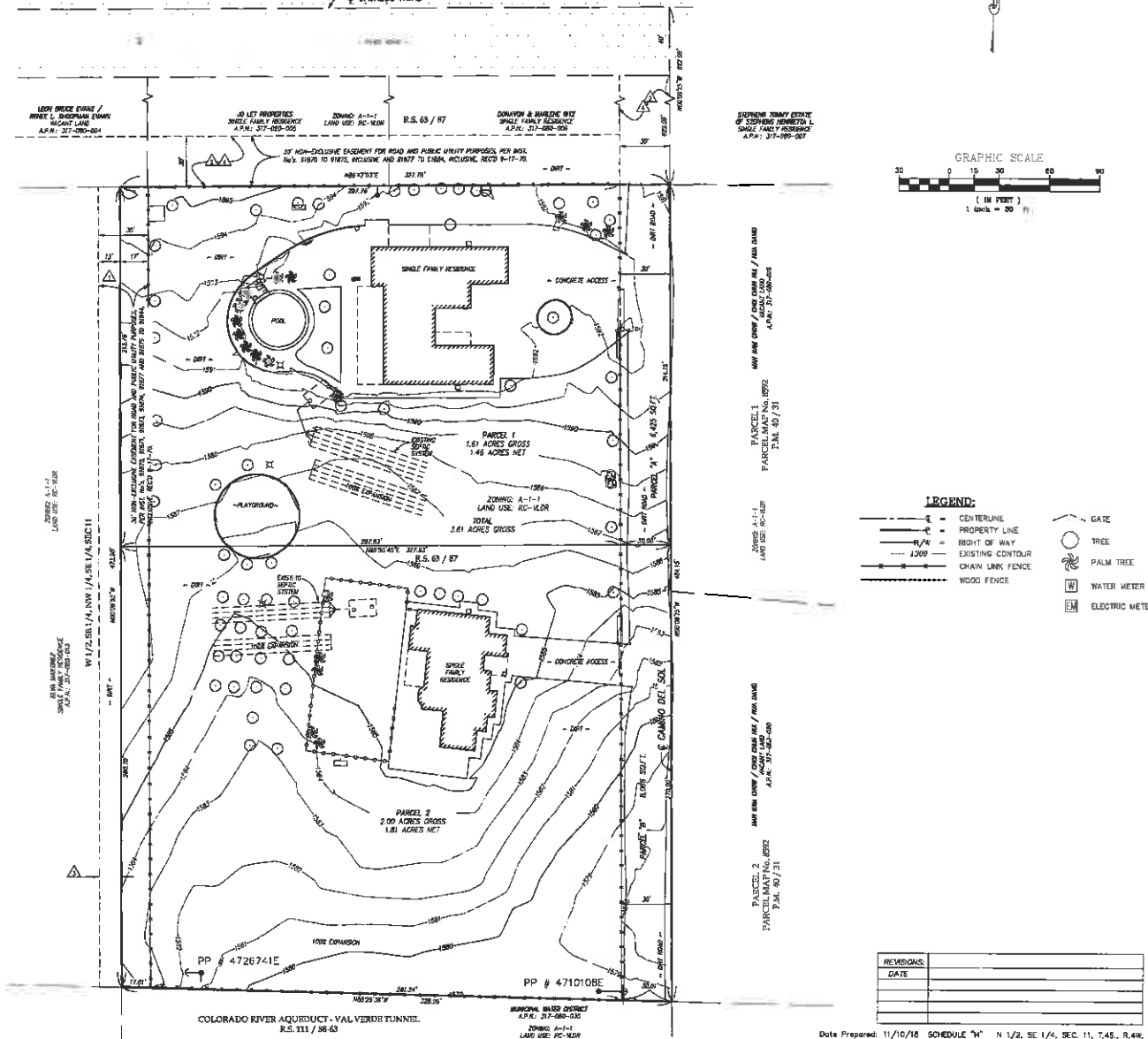
EXISTING ZONING: A-1-1 LIGHT AGRICULTURE  
PROPOSED ZONING: A-1-1 LIGHT AGRICULTURE  
EXISTING LAND USE: RC-MDR RURAL COMMUNITY  
PROPOSED LAND USE: RC-MDR VERY LOW DENSITY RESIDENTIAL  
CZ NUMBER: 0

**SOURCE OF TOPOGRAPHY:**

FIELD SURVEY FOR THIS SITE WAS PERFORMED ON OCTOBER 4, 2018 BY INLAND VALLEY SURVEYING, INC.

**REPRESENTATIVE & PREPARE:**

INLAND VALLEY SURVEYING, INC.  
100 WEST WALNUT AVENUE SUITE A-5  
PERRIS, CA 92570  
PHONE: (951) 657-1200



REVISIONS	DATE

**NOTICE OF PUBLIC HEARING  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the application described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. For more information please contact **ALUC Planner Paul Rull at (951) 955-6893**. The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan.

The County of Riverside Planning Department may hold hearings on this item and should be contacted on non-ALUC issues. For more information please contact County of Riverside Planner Mr. Gabriel Villalobos at (951) 955-6184.

The proposed project application may be viewed and written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, California 92501, Monday through Thursday from 8:00 a.m. to 5:00 p.m., except Thursday July 4 (Independence Day), and by prescheduled appointment on Fridays from 9:00 a.m. to 5:00 p.m.

PLACE OF HEARING: Riverside County Administration Center  
4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
Riverside California

DATE OF HEARING: July 11, 2019

TIME OF HEARING: 9:30 A.M.

**CASE DESCRIPTION:**

**ZAP1368MA19 – Daniel Duenas (Representative: Miguel A. Villasenor, Inland Valley Surveying) – County of Riverside Case No. PM37627 (Tentative Parcel Map).** A proposal to divide a 3.62 gross acre property located at 19655 Camino Del Sol, southerly of Cajalco Road and westerly of Seaton Avenue, into two single-family residential lots. (There are already two homes on the property.) (Airport Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area).



# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

March  
02

## APPLICATION FOR MAJOR LAND USE ACTION REVIEW

ALUC CASE NUMBER: ZAP1368 MA 19      DATE SUBMITTED: May 22, 2019

### APPLICANT / REPRESENTATIVE / PROPERTY OWNER CONTACT INFORMATION

Applicant	Miguel A. Villasenor	Phone Number	951-657-1200
Mailing Address	130 W. Walnut Avenue Suite A-5 Perris Ca. 92571	Email	pls8509@yahoo.com
Representative	Miguel A. Villasenor	Phone Number	951-657-1200
Mailing Address	130 W. Walnut Avenue Suite A-5 Perris Ca. 92571	Email	pls8509@yahoo.com
Property Owner	Daniel Duenas	Phone Number	714-501-3776
Mailing Address	19655 Camino Del Sol Perris Ca. 92570	Email	dduenas@californiawaters.com

### LOCAL JURISDICTION AGENCY

Local Agency Name	County of Riverside	Phone Number	951-955-6184
Staff Contact	Gabriel Villalobos	Email	GVILLALO@RIV.CO.ORG
Mailing Address	4080 Lemon Street 12th Floor P.O. BOX 1409, Riverside, Ca. 92502	Case Type	Tentative Parcel Map
Local Agency Project No	Tentative Parcel Map 37627	<input type="checkbox"/> General Plan / Specific Plan Amendment <input type="checkbox"/> Zoning Ordinance Amendment <input checked="" type="checkbox"/> Subdivision Parcel Map / Tentative Tract <input type="checkbox"/> Use Permit <input type="checkbox"/> Site Plan Review/Plot Plan <input type="checkbox"/> Other	

### PROJECT LOCATION

*Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways*

Street Address	19655 Camino Del Sol Perris Ca. 92570	Gross Parcel Size	3.61 Acres
Assessor's Parcel No.	317-080-013	Nearest Airport and distance from Airport	MARB, 4 miles
Subdivision Name	n/a		
Lot Number	n/a		

### PROJECT DESCRIPTION

*If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed*

Existing Land Use (describe)	Very Low Density Residential. 2 Single Family Residences exist on a 3.61 acre lot.

Proposed Land Use (describe)	Very Low Density Residential. 1 Single Family Residence on each of the lots created. Parcel 1 will be 1.61 acres gross parcel 2 will be 2.00 acres gross.		
For Residential Uses	Number of Parcels or Units on Site (exclude secondary units)	1 parcel, two single family residences	
For Other Land Uses (See Appendix C)	Hours of Operation		
	Number of People on Site	Maximum Number	
	Method of Calculation		
Height Data	Site Elevation (above mean sea level)	1585	ft.
	Height of buildings or structures (from the ground)	25	ft.
Flight Hazards	Does the project involve any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	If yes, describe		

- A. NOTICE:** Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive, of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.
- B. REVIEW TIME:** Estimated time for "staff level review" is approximately 30 days from date of submittal. Estimated time for "commission level review" is approximately 45 days from date of submittal to the next available commission hearing meeting.
- C. SUBMISSION PACKAGE:**
1. . . . . Completed ALUC Application Form
  1. . . . . ALUC fee payment
  1. . . . . Plans Package (24x36 folded) (site plans, floor plans, building elevations, grading plans, subdivision maps)
  1. . . . . Plans Package (8.5x11) (site plans, floor plans, building elevations, grading plans, subdivision maps, zoning ordinance/GPA/SPA text/map amendments)
  1. . . . . CD with digital files of the plans (pdf)
  1. . . . . Vicinity Map (8.5x11)
  1. . . . . Detailed project description
  1. . . . . Local jurisdiction project transmittal
  3. . . . . Gummed address labels for applicant/representative/property owner/local jurisdiction planner
  3. . . . . Gummed address labels of all surrounding property owners within a 300 foot radius of the project site. **(Only required if the project is scheduled for a public hearing Commission meeting)**

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.2

**HEARING DATE:** July 11, 2019

**CASE NUMBER:** ZAP1370MA19 – Froylan Damas (Representative: YMV Design, Vanessa Roeder)

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** PM37625 (Tentative Parcel Map)

**MAJOR ISSUES:** None

**RECOMMENDATION:** Staff recommends that the Commission find the proposed Tentative Parcel Map CONSISTENT, subject to the conditions included herein.

**PROJECT DESCRIPTION:** The applicant proposes to divide 3.4 gross acres into 3 single family residential lots.

**PROJECT LOCATION:** The site is located on the southwest corner of Hawthorne Avenue and Carroll Street, approximately 9,200 feet southwesterly of the southerly end of Runway 14-32 at March Air Reserve Base.

**LAND USE PLAN:** 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan

- a. Airport Influence Area: March Air Reserve Base
- b. Land Use Policy: Zone C2 High Terrain Zone
- c. Noise Levels: below 60 CNEL from aircraft

**BACKGROUND:**

Residential Density: Pursuant to the Airport Land Use Compatibility Plan for the March Air Reserve Base/Inland Port Airport, the site is located within Compatibility Zone C2. Zone C2 criteria restrict residential density to a maximum of 6.0 dwelling units per acre. The applicant proposes dividing 3.4 gross acres into 3 single family residential lots, resulting in a density of 0.9 dwelling units per acre, which is consistent with the Compatibility Zone C2 residential criteria.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited or discouraged in Compatibility Zone C2.



Noise: The March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan depicts the site as being outside the 60 CNEL range from aircraft noise. Therefore, no special measures are required to mitigate aircraft-generated noise.

Part 77: The elevation of Runway 14-32 at its southerly terminus is 1,488 feet above mean sea level (1,488 feet AMSL). The project is located within Compatibility Zone C2 High Terrain Zone of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. At a distance of approximately 9,200 feet from the runway to the site, Federal Aviation Administration (FAA) review would be required for any structures with top point exceeding 1,580 feet AMSL. The site elevation is approximately 1,721 feet AMSL. No structures are proposed at this time. Therefore, review by the FAA Obstruction Evaluation Service is not required at this time. However, such review will be required for future building permits. A condition has been included stating that FAA OES review and issuance of a "Determination of No Hazard to Air Navigation" letter will be required prior to building permit issuance.

Open Area: None of the Compatibility Zones for the March Air Reserve Base/Inland Port ALUCP require open area specifically.

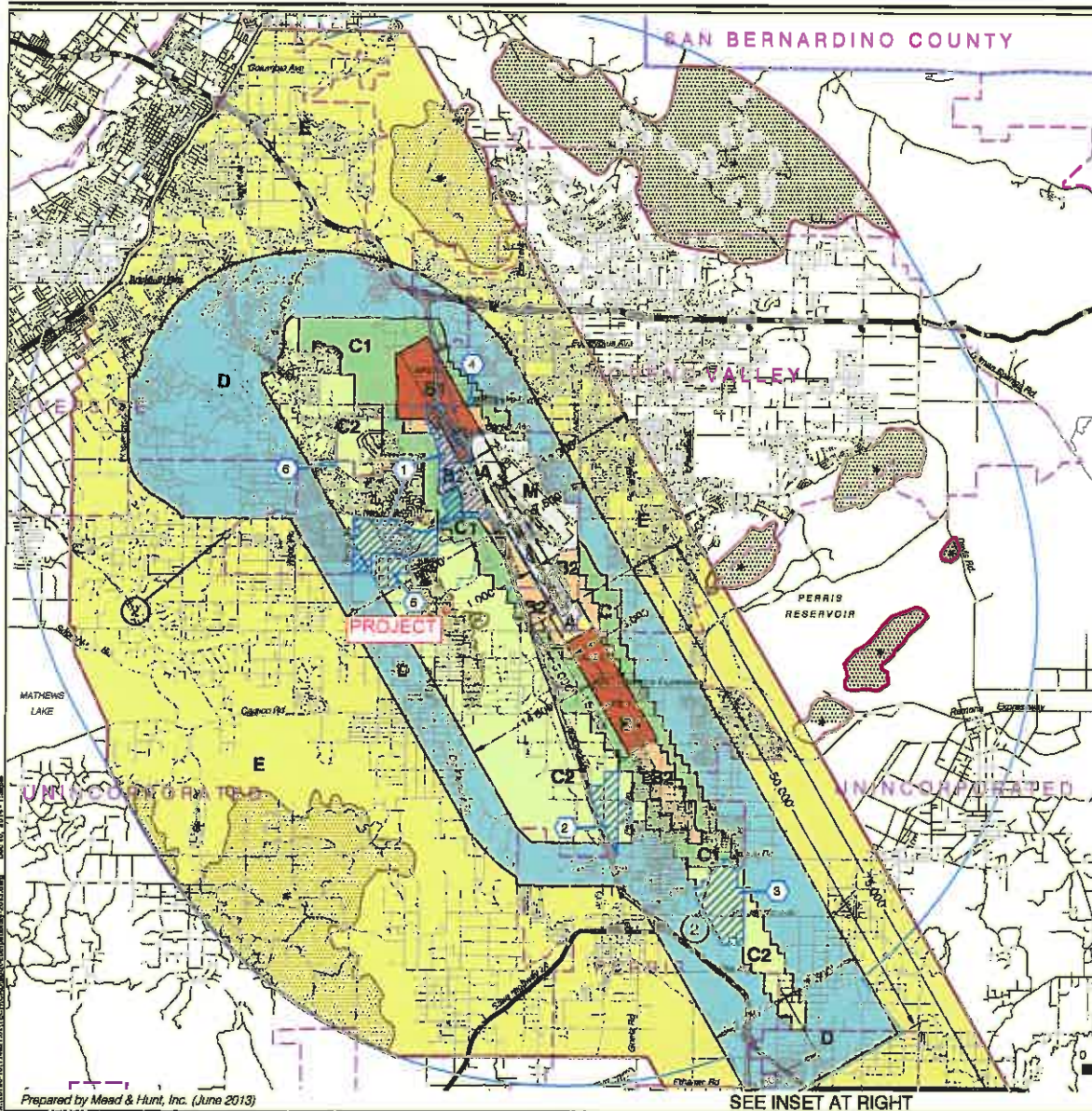
#### **CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site in accordance with Note A on Table 4 of the Mead Valley Area Plan:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

3. The following uses/activities are specifically prohibited at this location: trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes; construction and demolition debris facilities; wastewater management facilities; incinerators; noise-sensitive outdoor nonresidential uses; and hazards to flight. Children's schools are discouraged.
4. The attached notice shall be given to all prospective purchasers of the proposed lots and tenants of any dwellings thereon, and shall be recorded as a deed notice prior to or in conjunction with recordation of the final map. In the event that the Office of Riverside County Assessor-Clerk-Recorder declines to record said notice, the text of the notice shall be included on the Environmental Constraint Sheet (ECS) of the final parcel map, if an ECS is otherwise required.
5. Any ground-level or aboveground water detention basin or facilities shall be designed and maintained for a maximum 48-hour detention period after the design storm and remain totally dry between rainfalls. Vegetation around such facilities that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced to prevent large expanses of contiguous canopy, when mature. Trees and bushes shall not produce fruit, seeds, or berries.
6. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
7. Prior to building permit issuance, the permittee shall have submitted Form 7460-1 to the Federal Aviation Administration Obstruction Evaluation Service and shall have received a "Determination of No Hazard to Air Navigation" letter pertaining to that structure.

# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)



**LEGEND**

**Compatibility Zones**

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C1
- Zone C2
- Zone D
- Zone E
- Zone M
- High Terrain Zone
- FAR Part 77 Military Outer Horizontal Surface Limits
- FAR Part 77 Notification Area

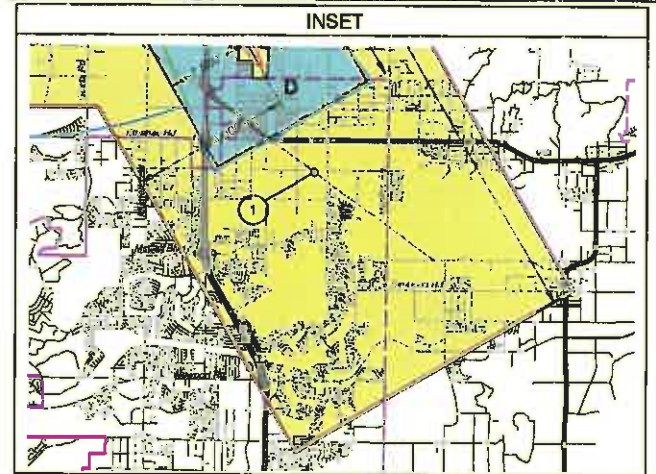
**Boundary Lines**

- March Air Reserve Base / Air Force Property
- March Joint Powers Authority Property Line
- County Boundary
- City Limits
- ▭ Site-Specific Exceptions (existing local agency commitments to development projects)

① Point at which aircraft on Runway 32 ILS approach descend below 3,000 feet above runway end. Airport Elevation is 1,535 feet MSL.

② Point at which departing aircraft typically reach 3,000 feet above runway end.

① March JPA: March Business Center/Meridian  
 ② Perris: Harvest Landing  
 ③ Perris: Park West  
 ④ Moreno Valley: Affordable Housing  
 ⑤ March JPA: Ben Clark Training Center  
 ⑥ Riverside: Ridge Crest Subdivision



Note:  
All dimensions are measured from runway ends and centerlines.



Base map source: County of Riverside 2013

**Riverside County  
 Airport Land Use Commission  
 March Air Reserve Base / Inland Port Airport  
 Land Use Compatibility Plan  
 (Adopted November 13, 2014)**

Map MA-1

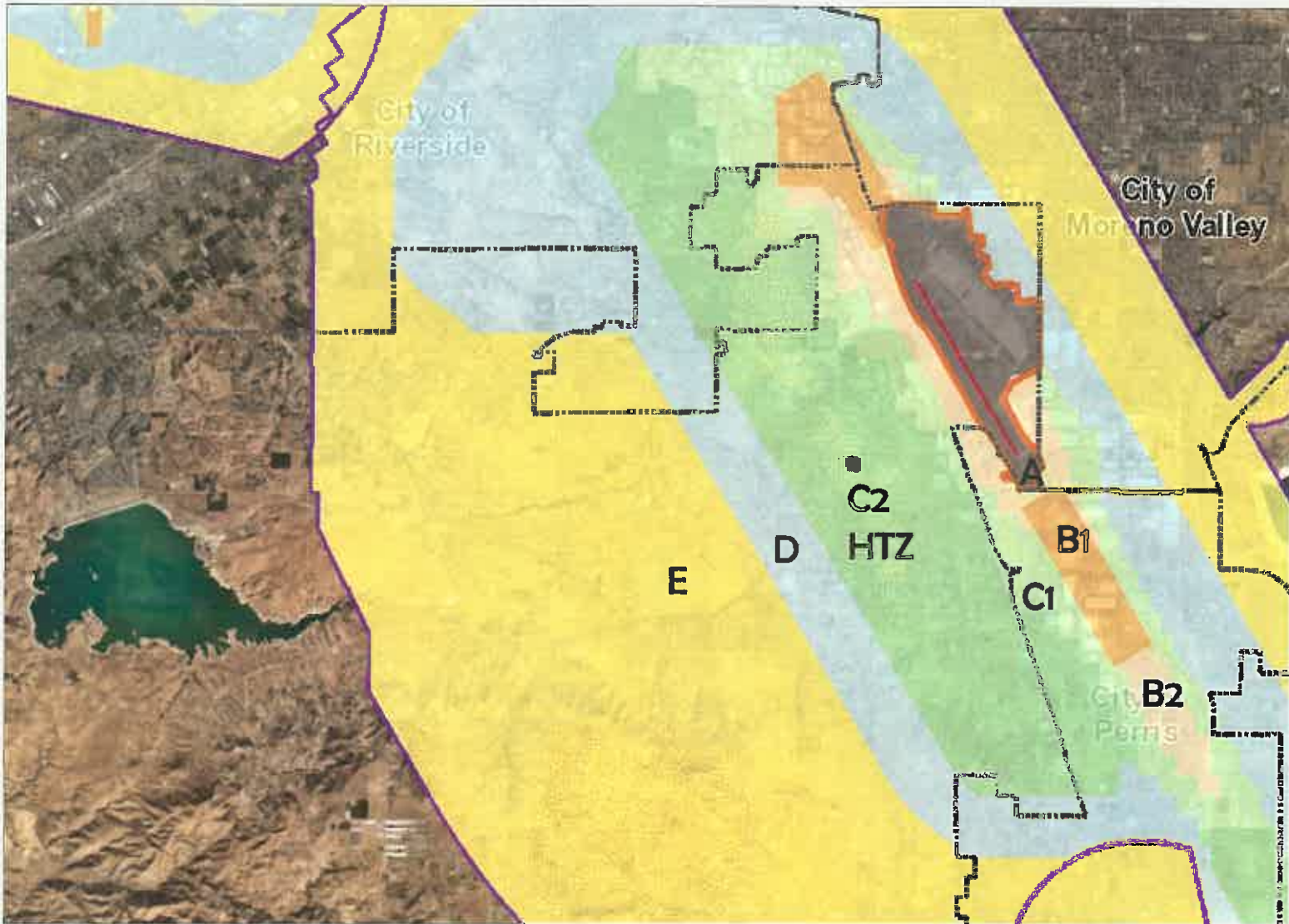
**Compatibility Map  
 March Air Reserve Base / Inland Port Airport**

Prepared by Mead & Hunt, Inc. (June 2013)

SEE INSET AT RIGHT



# Map My County Map



**Legend**

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- ▨ OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

**Notes**



# Map My County Map



C2 HTZ



### Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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**Notes**

0 758 1,516 Feet

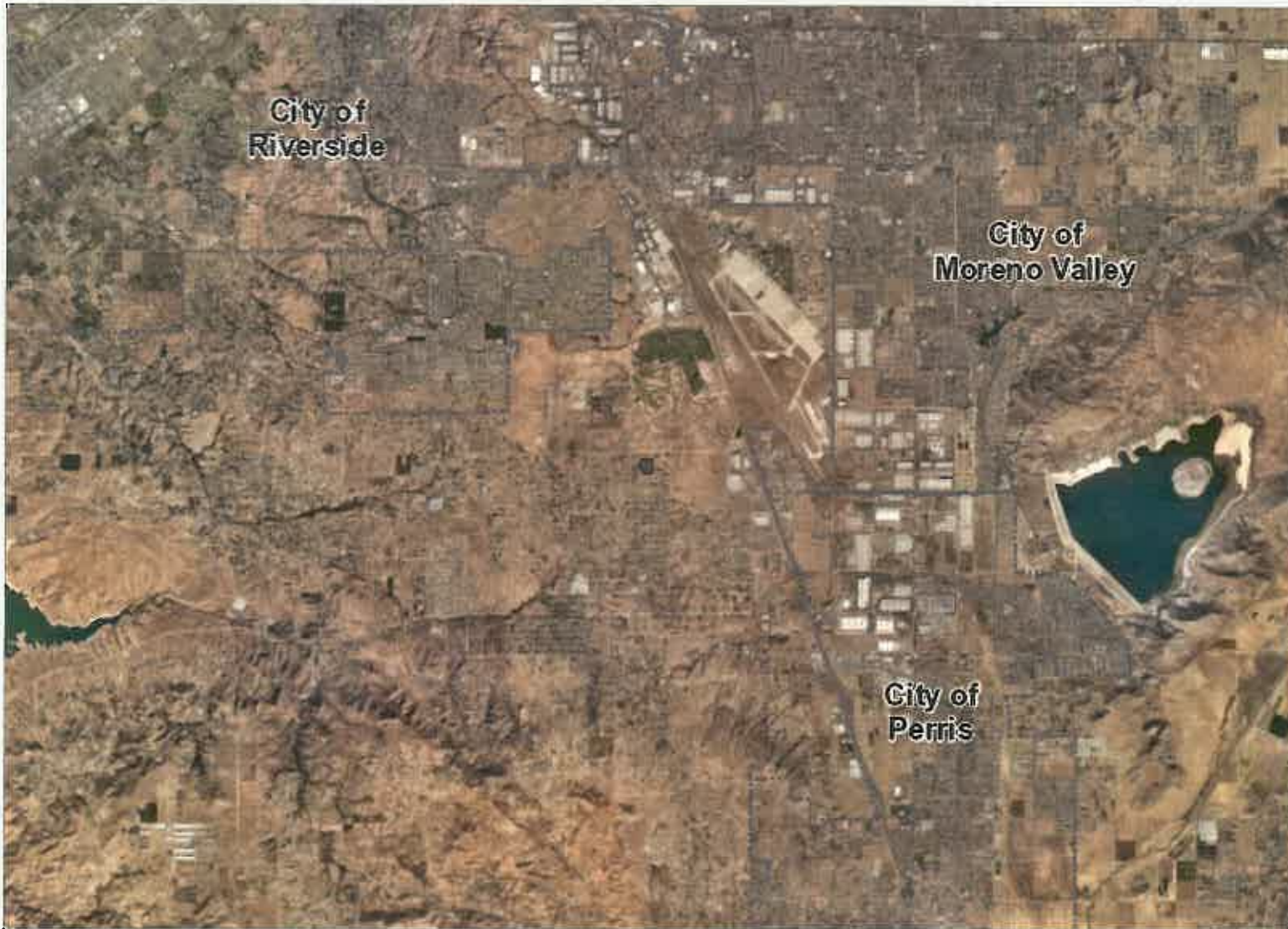
REPORT PRINTED ON... 6/4/2019 9:41:48 AM

© Riverside County GIS





# Map My County Map



### Legend

- City Areas
- World Street Map

### Notes



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# Map My County Map



## Legend

- Blueline Streams
- City Areas
- World Street Map



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## Notes



# Map My County Map



### Legend

- Blue line Streams
- City Areas
- World Street Map



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0 758 1,516 Feet

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### Notes



# Map My County Map



## Legend

- Parcels
- Blueline Streams
- City Areas
- World Street Map



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0 379 758 Feet

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## Notes

# COUNTY OF RIVERSIDE TENTATIVE PARCEL MAP 37625

BEING A SUBDIVISION OF PROPERTY "B", PER LOT LINE ADJUSTMENT NO. 4718, RECORDED MARCH 18, 2005, AS DOCUMENT NO. 2005-0214694 OF OFFICIAL RECORDS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, LOCATED IN THE SE 1/4 OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 WEST, S.B.M.  
Y.M.V DESIGN, SEPTEMBER 2018

**BENCHMARK:**

NGS MONUMENT Z-1143 "1961",  
A BRASS DISC LOCATED ALONG THE A.T.S.F.  
RAILROAD SOUTH OF VAN BUREN BLVD.  
NAVD 88 ELEVATION=1535.16

APN: 295-280-072

**BASIS OF BEARINGS:**

THE CENTERLINE OF CARROLL ST. PER R.S. 121/61.  
BEING: N00°04'39"E

**RESIDENTIAL LOT TABLE**

PARCEL 1	PARCEL 3
GROSS AREA: 43,560 S.F. (1.0 AC) NET AREA: 39,597 S.F. (0.908 AC) 132.09' x 299.41' x 131.80' x 298.81'	GROSS AREA: 43,560 S.F. (1.00 AC) NET AREA: 38,608 S.F. (0.886 AC) 233.88' x 165.07' x 233.92' x 164.71'
PARCEL 2	TOTAL GROSS: 3.882 ACRES
GROSS AREA: 86,791 S.F. (1.982 AC) NET AREA: 69,708 S.F. (1.60 AC) 233.48' x 299.30' x 269.80' x 299.41'	NET PROPOSED: 3.39 ACRES

**ZONING & LAND USE:**

ZONE	GENERAL PLAN LAND USE
LIGHT AGRICULTURAL (A-1) 1 ACRE MINIMUM	RURAL COMMUNITY-VERY LOW DENSITY RESIDENTIAL (RC-VLD)
SURROUNDING LOTS: LIGHT AGRICULTURAL (A-1) 1 ACRE MINIMUM	SURROUNDING LOTS: RURAL COMMUNITY-VERY LOW DENSITY RESIDENTIAL (RC-VLD)
ZONING DISTRICT: MEAD VALLEY	PROPOSED USAGE OF NEW LOTS: RESIDENTIAL USAGE IN THE FUTURE

**LEGEND:**

	=GUY WIRE
	=POWER POLE
	=TREE
	=FOUND MONUMENT
	=STREET SIGN
	=EDGE OF PAVEMENT
	=EDGE OF DIRT ROAD
	=CHAINLINK FENCE
	=ELECTRIC LINE
	=SEWER LINE
	=CENTER LINE
	=PROPERTY LINE

**SURVEYOR'S NOTE:**

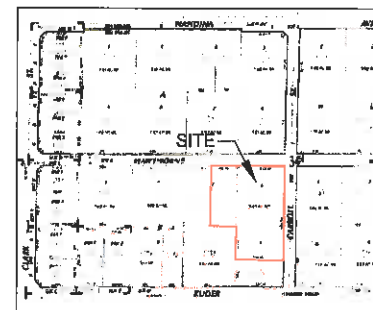
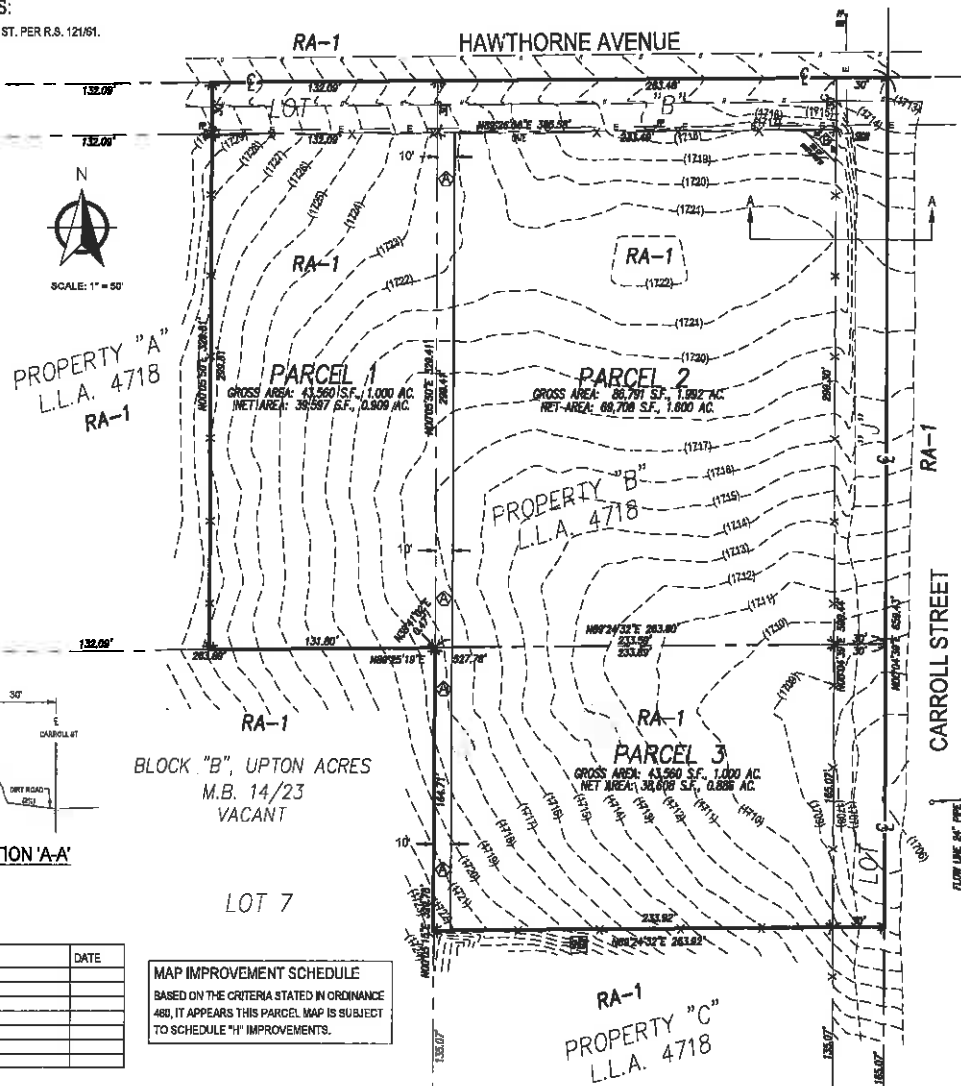
TOPOGRAPHIC SURVEY PROVIDED BY MARK WARE LAND SURVEYING, DATED APRIL, 2018

THIS IS A TOPOGRAPHIC SURVEY FOR GRADING PURPOSES ONLY, AND NOT A BOUNDARY SURVEY. THE BOUNDARY SHOWN HEREON IS BASED ON RECORD DATA ONLY. ANY FOUND MONUMENTS SHOWN HEREON WERE MERELY DISCOVERED DURING THE COURSE OF THE TOPOGRAPHIC SURVEY, AND ARE SHOWN FOR REFERENCE ONLY. THE ACCURACY OF THEIR POSITIONS WERE NOT VERIFIED. ANY LATH SET AROUND THE PROJECT LIMITS ARE FOR CLEARING, GRUBBING AND GRADING LIMITS ONLY AND DO NOT REPRESENT THE ACTUAL PROPERTY CORNERS AND OR LINES, AND SHOULD NOT BE USED FOR THE LOCATION OR CONSTRUCTION OF STRUCTURES, BUILDINGS OR FENCING.

**CROSS SECTION 'A-A'**  
N.T.S

AMENDMENTS	DATE

**MAP IMPROVEMENT SCHEDULE**  
BASED ON THE CRITERIA STATED IN ORDINANCE 480, IT APPEARS THIS PARCEL MAP IS SUBJECT TO SCHEDULE "H" IMPROVEMENTS.



**VICINITY MAP**  
SCALE: N.T.S

**PUBLIC UTILITIES:**

Riverside Co. Planning Department

4060 Lemon Street 12th Floor

P.O. Box 1408

Riverside, CA 92502

Phone: (951) 955-3200

SO CAL GAS COMPANY:

7000 Inland Ave #105, Riverside, CA 92506

(800) 427-2200

SO CAL EDISON COMPANY:

26100 Menifee Rd, Romoland, CA 92585

(800) 655-4555

CABLE:

DIRECT TV

Phone: (855) 802-3473

UNDERGROUND SERVICE ALERT:

(800) 227-2600

TELEPHONE

FRONTIER COMMUNICATIONS

Phone: (855) 978-5528

WATER / SEWER

EASTERN MUNICIPAL WATER DISTRICT

2270 Trumble Rd, Perris, CA 92570

(951) 928-3777

SCHOOL DISTRICT:

LA VERDE UNIFIED

**MAP NOTES:**

- 0 L.F. NEW STREETS
- NO GRADING IS PROPOSED AT THIS TIME
- 3 NUMBERED LOTS
- 3.882 AC GROSS AREA BEING DIVIDED
- CONTOUR INTERVAL IS 1 FOOT
- NO STRUCTURES EXIST WITHIN 16 FEET OF THE PROPERTY LINES.
- NO STRUCTURES EXIST ON SITE.
- NO WELLS ARE ON OR WITHIN 200 FEET OF THE PROJECT BOUNDARY.
- BASED ON MAP MY COUNTY THE APN RECORD STATES THAT THE PROPERTY IS IN OR PARTIALLY IN CBA #192

**OWNER/APPLICANT:**

FROYLAN DAMAS

4239 BENHAM AVE

BALDWIN PARK, CA 91706

PH# (928) 377-5609

**EASEMENTS:**

A PROPOSED EASEMENT FOR WATER LINES, PUBLIC UTILITIES, HIGHWAY, ROAD PURPOSES, AND INCIDENTAL PURPOSES. DOCUMENT NOT YET RECORDED.

A PROPOSED 30' RIGHT OF WAY DEDICATION. DOCUMENT NOT YET RECORDED.

**PREPARED BY:**  
**Y.M.V DESIGN**  
P.O BOX 1416  
ADELANTO, CA 92301  
PH # (760) 221-2840  
LICENSE #BL-18371



**NOTICE OF PUBLIC HEARING  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the application described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. For more information please contact **ALUC Planner Paul Rull at (951) 955-6893**. The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan.

The County of Riverside Planning Department may hold hearings on this item and should be contacted on non-ALUC issues. For more information please contact County of Riverside Planner Ms. Dionne Harris at (951) 955-6836.

The proposed project application may be viewed and written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, California 92501, Monday through Thursday from 8:00 a.m. to 5:00 p.m., except Thursday July 4 (Independence Day), and by prescheduled appointment on Fridays from 9:00 a.m. to 5:00 p.m.

PLACE OF HEARING: Riverside County Administration Center  
4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
Riverside California

DATE OF HEARING: July 11, 2019

TIME OF HEARING: 9:30 A.M.

**CASE DESCRIPTION:**

ZAP1370MA19 – Froylan Damas (Representative: YMW Design, Vanessa Roeder) – County of Riverside Case No. PM37625 (Tentative Parcel Map). A proposal to divide a 3.4 gross acre property located on the southwest corner of Hawthorne Avenue and Carroll Street into 3 single family residential lots (Airport Compatibility Zone C2 High Terrain Zone of the March Air Reserve Base/Inland Port Airport Influence Area).



# RIVERSIDE COUNTY

## AIRPORT LAND USE COMMISSION

### APPLICATION FOR MAJOR LAND USE ACTION REVIEW

ALUC CASE NUMBER: ZAP1370MA19      DATE SUBMITTED: 5-29-19

**APPLICANT / REPRESENTATIVE / PROPERTY OWNER CONTACT INFORMATION**

Applicant	Froylan Damas	Phone Number	(626) 377-5906
Mailing Address	4239 Benham Ave	Email	sandaladage112@gmail.com
	Baldwin Park, CA 91706		

Representative	YMV Design-Vanessa Roeder	Phone Number	(760) 927-0328
Mailing Address	P.O Box 1416	Email	vanessaroder@yahoo.com
	Adelanto, CA 92301		

Property Owner	Froylan Damas	Phone Number	(626) 377-5906
Mailing Address	4239 Benham Ave	Email	sandaladage1127@gmail.com
	Baldwin Park, CA 91706		

March  
C2  
HTZ

**LOCAL JURISDICTION AGENCY**

Local Agency Name	Riverside County Planning Department	Phone Number	(951) 955-6836
Staff Contact	Dionne Harris	Email	dharris@rivco.org
Mailing Address	4080 Lemon Street, 12th Floor	Case Type	
	P.o Box 1409	<input type="checkbox"/> General Plan / Specific Plan Amendment	
	Riverside, CA 92501	<input checked="" type="checkbox"/> Zoning Ordinance Amendment	
Local Agency Project No	TPM 37625	<input checked="" type="checkbox"/> Subdivision Parcel Map / Tentative Tract	
		<input type="checkbox"/> Use Permit	
		<input type="checkbox"/> Site Plan Review/Plot Plan	
		<input type="checkbox"/> Other	

**PROJECT LOCATION**

*Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways*

Street Address	Southwest corner of Hawthorne Avenue & Carroll Street, Perris, CA		
Assessor's Parcel No.	APN: 295-280-072	Gross Parcel Size	3.992 Acres
Subdivision Name	TPM 37625	Nearest Airport and distance from Airport	March Air Reserve Base, 2.35 miles
Lot Number	N/A		

**PROJECT DESCRIPTION**

*If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed*

Existing Land Use (describe)	Vacant
	Rural Community-Very low density

Proposed Land Use (describe)	Future Residential usage		
For Residential Uses	Number of Parcels or Units on Site (exclude secondary units)	Proposed 3 parcels	
For Other Land Uses (See Appendix C)	Hours of Operation	N/A	
	Number of People on Site	N/A	Maximum Number N/A
	Method of Calculation	N/A	
Height Data	Site Elevation (above mean sea level)	1722	ft.
	Height of buildings or structures (from the ground)	N/A	ft.
Flight Hazards	Does the project involve any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, describe _____		
	_____		
	_____		

- A. **NOTICE:** Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive, of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.
- B. **REVIEW TIME:** Estimated time for "staff level review" is approximately 30 days from date of submittal. Estimated time for "commission level review" is approximately 45 days from date of submittal to the next available commission hearing meeting.
- C. **SUBMISSION PACKAGE:**
1. . . . . Completed ALUC Application Form
  1. . . . . ALUC fee payment
  1. . . . . Plans Package (24x36 folded) (site plans, floor plans, building elevations, grading plans, subdivision maps)
  1. . . . . Plans Package (8.5x11) (site plans, floor plans, building elevations, grading plans, subdivision maps, zoning ordinance/GPA/SPA text/map amendments)
  1. . . . . CD with digital files of the plans (pdf)
  1. . . . . Vicinity Map (8.5x11)
  1. . . . . Detailed project description
  1. . . . . Local jurisdiction project transmittal
  3. . . . . Gummed address labels for applicant/representative/property owner/local jurisdiction planner
  3. . . . . Gummed address labels of all surrounding property owners within a 300 foot radius of the project site. **(Only required if the project is scheduled for a public hearing Commission meeting)**

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.3

**HEARING DATE:** July 11, 2019

**CASE NUMBER:** ZAP1089FV19 – MHS 98, LLC (Representative: VSL Engineering)

**APPROVING JURISDICTION:** City of Murrieta

**JURISDICTION CASE NO:** GPA2018-1762 (General Plan Amendment), ZC2018-1763 (Zone Change), DP2018-1761 (Development Plan)

**MAJOR ISSUES:** None

**RECOMMENDATION:** Staff recommends that the Commission find the proposed General Plan Amendment and Change of Zone CONSISTENT with the 2007 French Valley Airport Land Use Compatibility Plan, as amended in 2011, and find the proposed Development Plan CONSISTENT, subject to the conditions included herein.

**PROJECT DESCRIPTION:** A proposal to establish a 234 dwelling unit multi-family residential complex on 8.37 acres. The applicant also proposes amending the City's General Plan designation of the site from Commercial to Multi Family Residential and changing the site's zoning from Community Commercial to Multi-Family 3.

**PROJECT LOCATION:** The site is located northerly of Rising Hill Drive, westerly of Highway 79 Winchester Road, easterly of Date Street, and southerly of Murrieta Hot Springs Road, approximately 6,145 feet southwesterly of the southerly end of Runway 18-36 at French Valley Airport.

**LAND USE PLAN:** 2007 French Valley Airport Land Use Compatibility Plan, as amended in 2011

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Zone D
- c. Noise Levels: Below 55 CNEL

**BACKGROUND:**

Residential Density: Pursuant to the French Valley Airport Land Use Compatibility Plan, the project site is located within Compatibility Zone D, which restricts residential densities to either 0.2 dwelling units per acre or above 5.0 dwelling units per acre. The project proposes 234 units on 8.37 acres, which results in an overall density of 28 dwelling units per acre, which is consistent with Zone D residential density criteria.

Non-Residential Intensity: Pursuant to the French Valley Airport Land Use Compatibility Plan, the project site is located within Compatibility Zone D, which restricts non-residential intensity to an average of 150 people per acre and a maximum of 450 people in any given single acre. The project proposes a 3,100 square clubhouse and 2,200 square foot pool area, which would accommodate an occupancy of 354 people, resulting in an average intensity of 42 people per acre, and a single acre intensity of 354 people, both of which are consistent with the Compatibility Zone D intensity criteria.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited or discouraged in Compatibility Zone D (highly noise-sensitive outdoor non-residential uses and hazards to flight).

Noise: The French Valley Compatibility Plan depicts the site as being located outside the 55 CNEL contour range from aircraft noise. Therefore, no special mitigation of noise from aircraft is required to comply with applicable noise thresholds.

Part 77: The elevation of Runway 18-36 at its southerly terminus is 1,340 feet above mean sea level (AMSL). At a distance of approximately 6,145 feet from the runway to the closest parcel within the site, Federal Aviation Administration (FAA) review would be required for any structures with top of roof exceeding 1,401 feet AMSL. The site's maximum pad elevation is 1,145 feet AMSL. With a maximum building height of 49 feet, the top point elevation would be 1,194 feet (more than 100 feet below the runway elevation). Therefore, review of buildings by the FAA Obstruction Evaluation Service (FAAOES) is not required.

Open Area: The site is located within Compatibility Zone D of the French Valley Airport Influence Area, which requires projects 10 acres or larger to designate 10% of project area as ALUC qualifying open area that could potentially serve as emergency landing areas. Since the overall project size is less than 10 acres, the open area requirement is not applicable to this project.

General Plan Amendment/Zone Change: The proposed Multi-Family Residential General Plan designation and zoning would be as, or more consistent, with the Compatibility Plan than the existing designation, as long as the project is consistent with the underlying compatibility criteria.

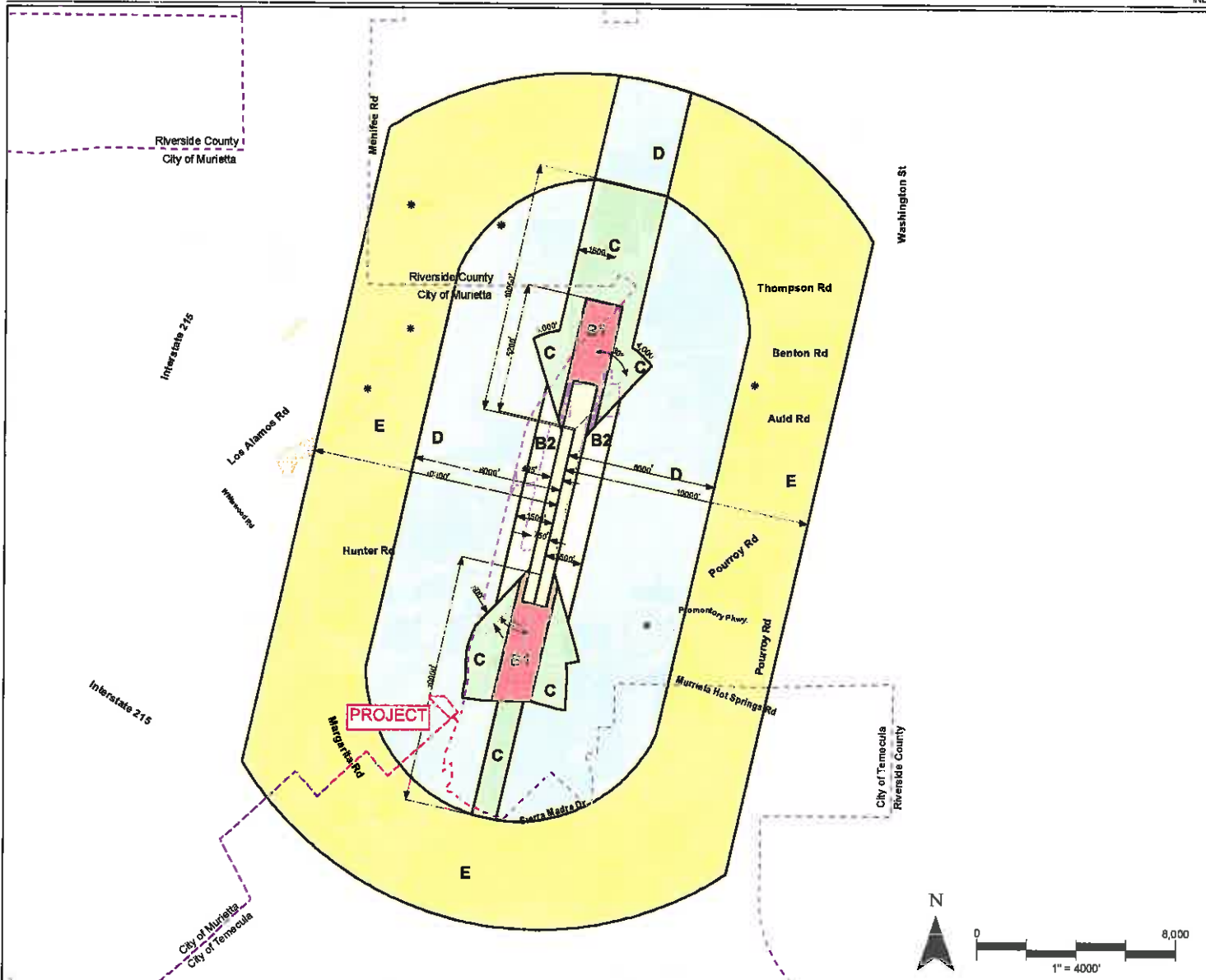
**CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Highly noise-sensitive outdoor nonresidential uses.
3. The attached notice shall be provided to all prospective purchasers of the property and future tenants of the proposed buildings, and shall be recorded as a deed notice.
4. Any proposed detention basins on the site (including water quality management basins) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around detention basins that would provide food or cover for birds, would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.



# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)



**Legend**

**Compatibility Zones**

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C
- Zone D
- Zone E

**Boundary Lines**

- Airport Property Line
- - - City Limits
- \* Height Review Overlay Zone

**Note**

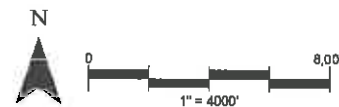
Airport Influence Area boundary measured from a point 200 feet beyond runway ends in accordance with FAA airspace protection criteria (FAR Part 77). All other dimensions measured from runway ends and centerlines.

See Chapter 2, Table 2A from compatibility criteria associated with this map.

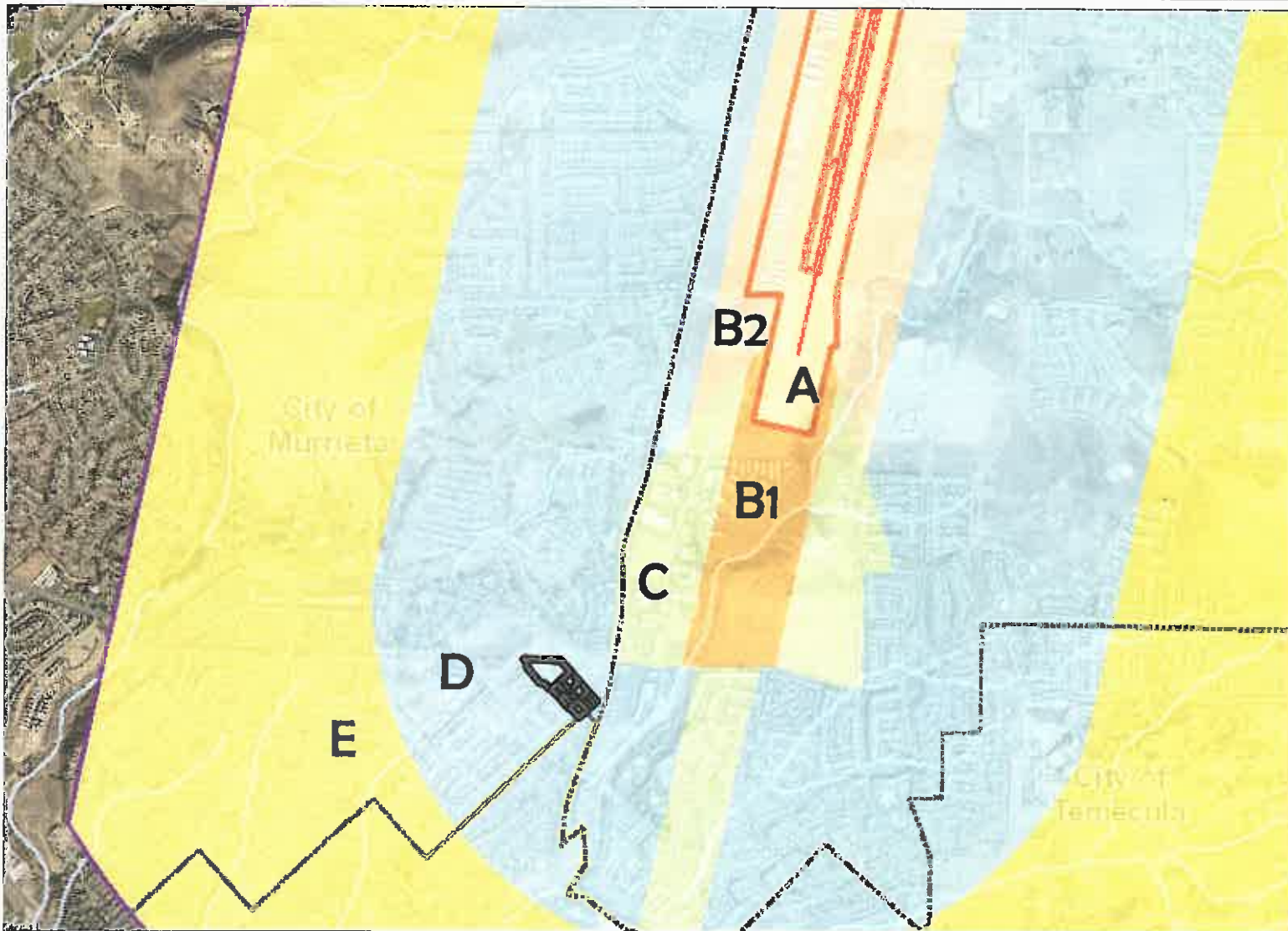
Riverside County  
 Airport Land Use Commission  
 Riverside County  
 Airport Land Use Compatibility Plan  
 Policy Document  
 (April 2010)

Map FV-1

**Compatibility Map**  
 French Valley Airport



# Map My County Map



- Legend**
- Runways
  - ▣ Airports
  - ▣ Airport Influence Areas
  - Airport Compatibility Zones
  - ▣ OTHER COMPATIBILITY ZONE
  - A
  - A-EXC1
  - B1
  - B1-APZ I
  - B1-APZ I-EXC1
  - B1-APZ II
  - B1-APZ II-EXC1
  - B1-EXC1
  - B2
  - B2-EXC1
  - C
  - C1
  - C1-EXC1
  - C1-EXC3
  - C1-EXC4
  - C1-HIGHT
  - C2
  - C2-EXC1
  - C2-EXC2
  - C2-EXC3
  - C2-EXC5
  - C2-EXC6



**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



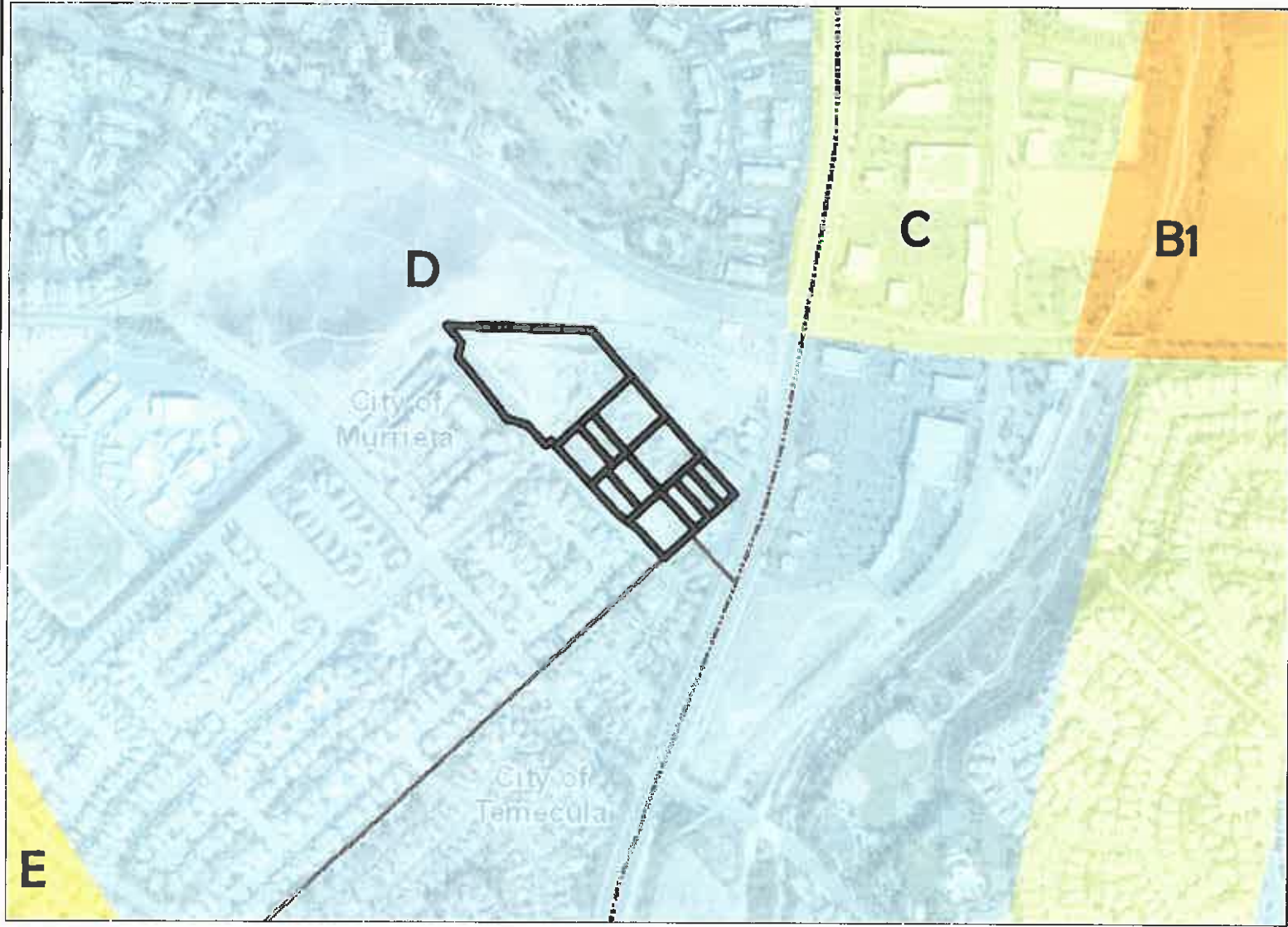
REPORT PRINTED ON... 4/17/2019 7:31:48 AM

© Riverside County GIS

**Notes**



# Map My County Map



**Legend**

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.



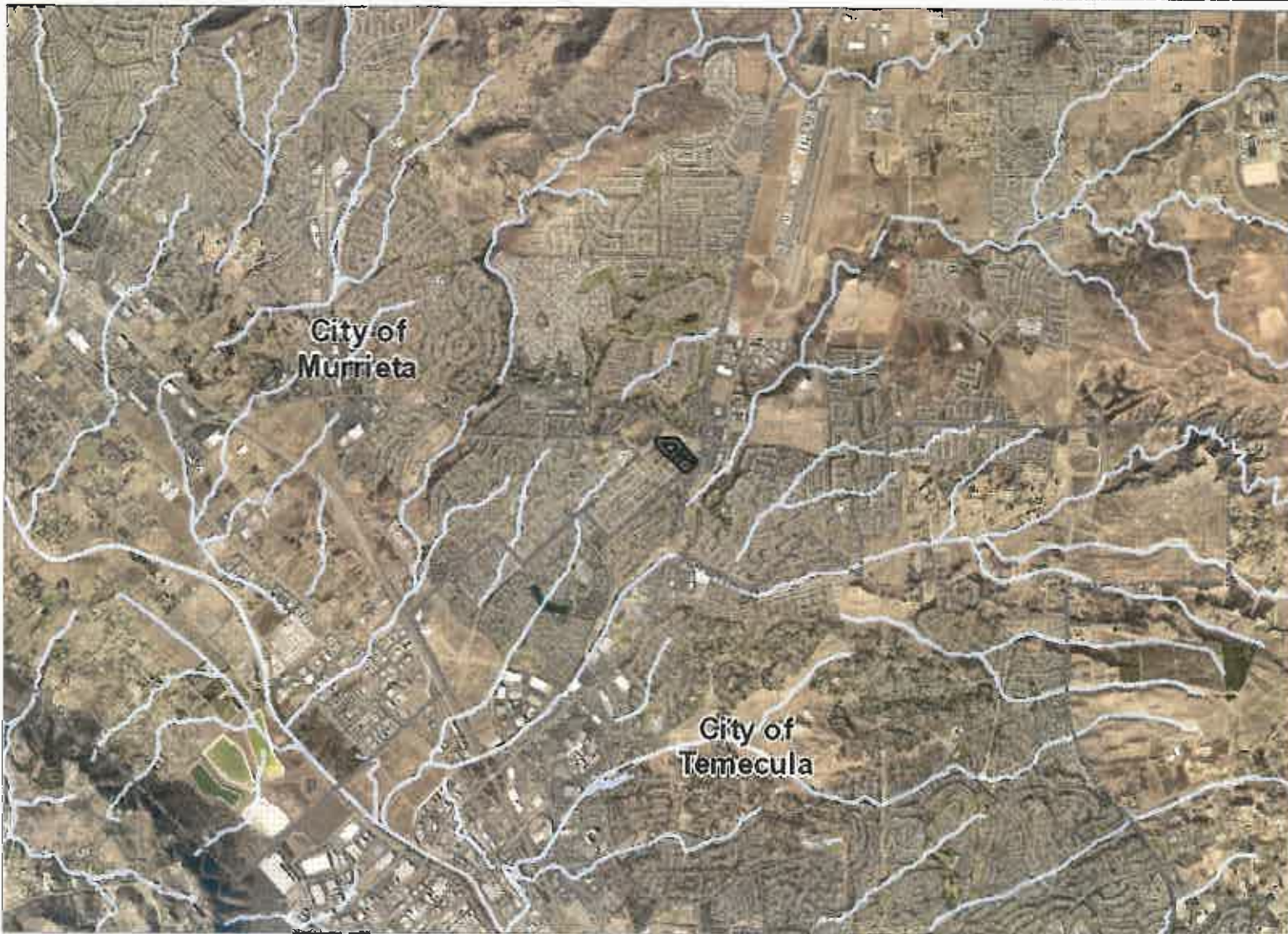
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**Notes**



# Map My County Map



## Legend

-  Blueline Streams
-  City Areas
-  World Street Map



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0 6 12,127 Feet  
064

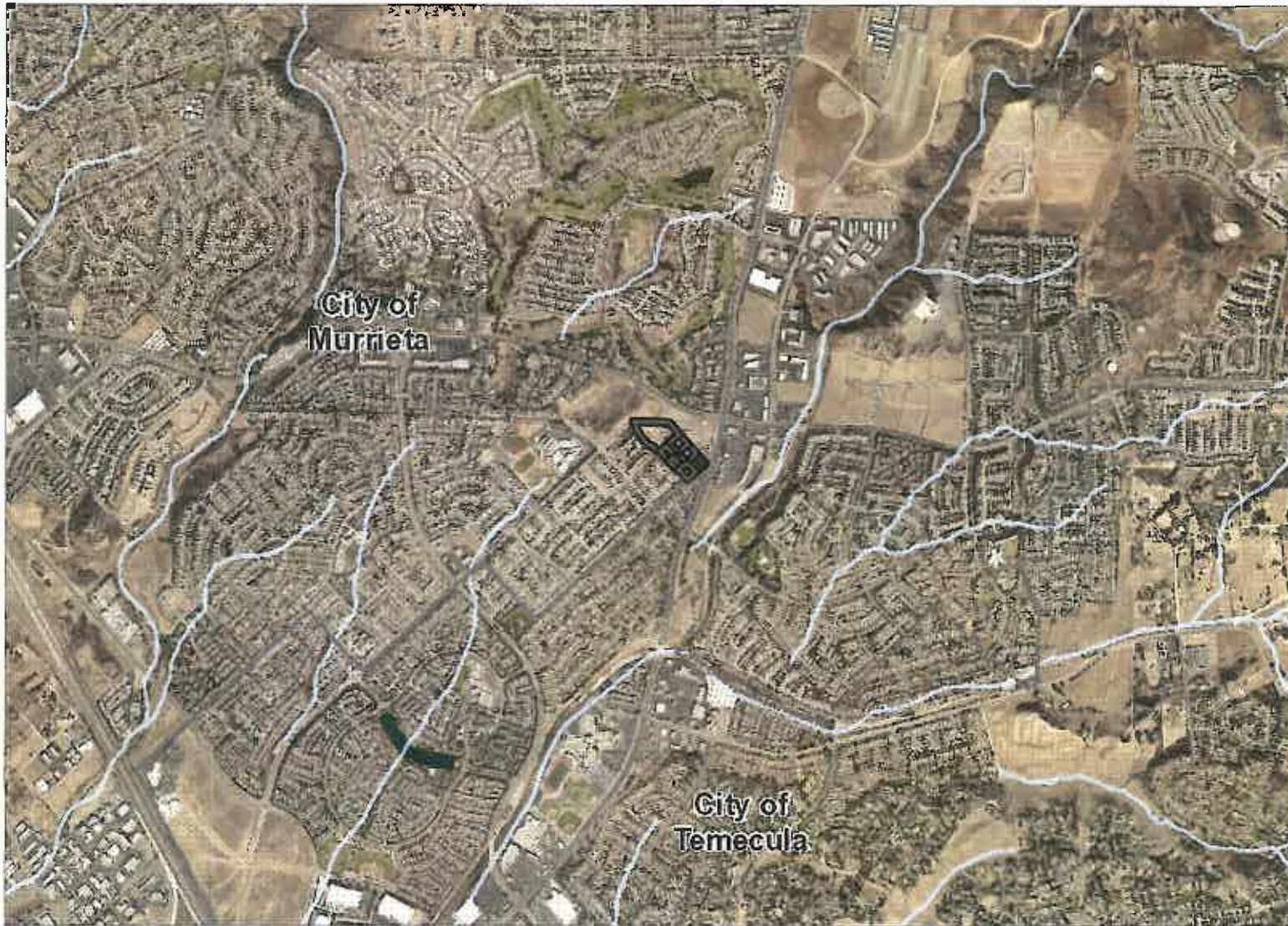
REPORT PRINTED ON... 4/17/2019 7:32:29 AM

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## Notes



# Map My County Map



## Legend

- Blue line Streams
- City Areas
- World Street Map



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## Notes



REPORT PRINTED ON... 4/17/2019 7:33:00 AM

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# Map My County Map



## Legend

- Blueline Streams
- City Areas
- World Street Map



**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

0 758 1,516 Feet

REPORT PRINTED ON... 4/17/2019 7:33:17 AM

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## Notes

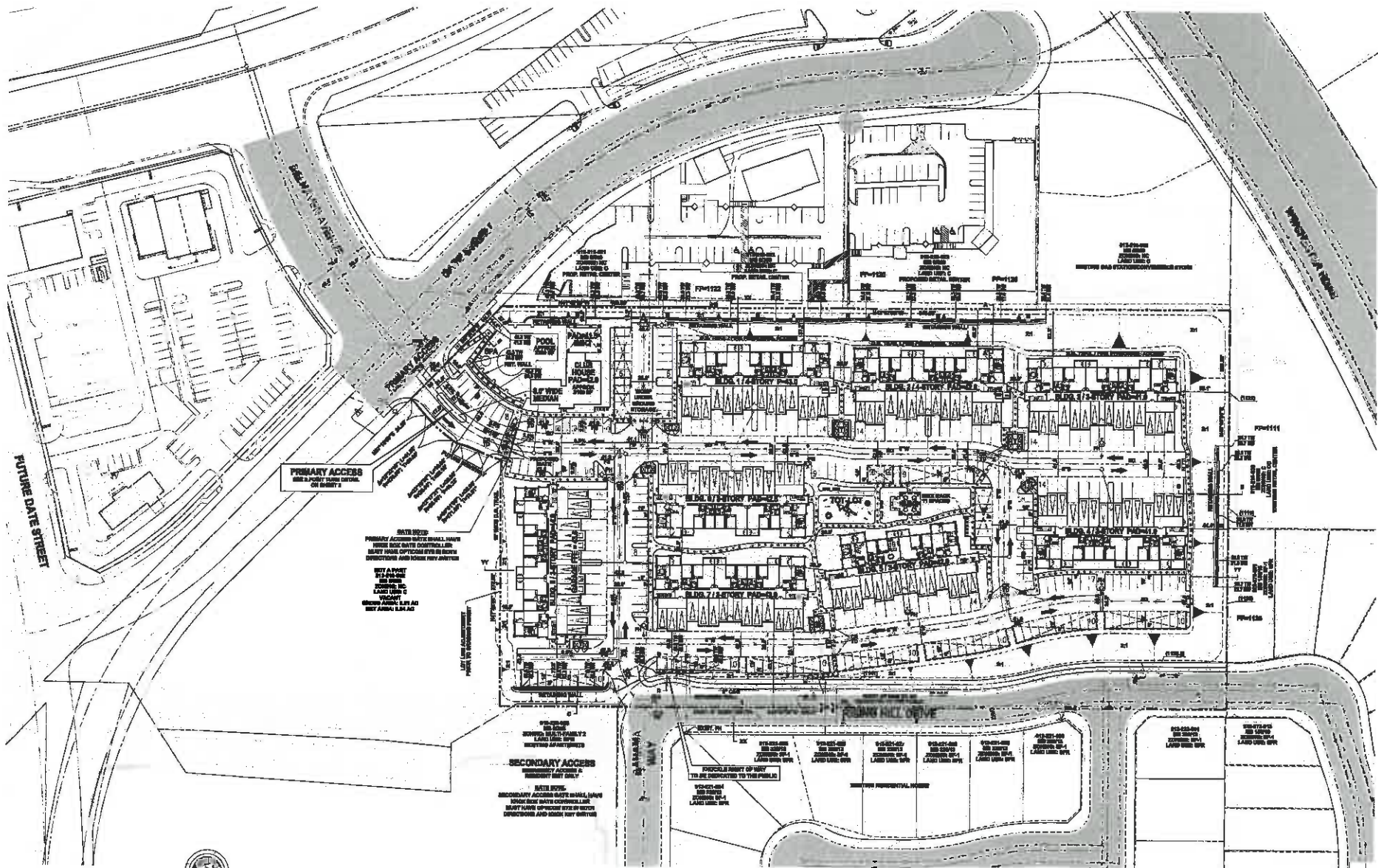












**PRIMARY ACCESS**  
SEE EASEMENT NOTES ON SHEET 1

**NOTE:**  
PRIMARY ACCESS SHALL HAVE  
FIVE (5) FEET CLEARANCE  
BUILT UPON SPECIFIC TO THE  
DIRECTION AND TYPE OF TRAFFIC

**SEE EASEMENT NOTES ON SHEET 1**

**SECONDARY ACCESS**  
SEE EASEMENT NOTES ON SHEET 1

**NOTE:**  
SECONDARY ACCESS SHALL HAVE  
FIVE (5) FEET CLEARANCE  
BUILT UPON SPECIFIC TO THE  
DIRECTION AND TYPE OF TRAFFIC

**EASEMENT NOTES:**

- ▲ AN EASEMENT PER INSTRUMENT NO. 1901-20909.
- ▲ AN EASEMENT PER INSTRUMENT NO. 2002-84965.
- ▲ AN EASEMENT PER INSTRUMENT NO. 2002-84966.
- ▲ AN EASEMENT PER INSTRUMENT NO. 2002-84967.



**NOTES:**

1. NO EXISTING STRUCTURES (BUILDINGS, WALLS, FENCES, GATES, ETC.) ON THE SUBJECT PROPERTY.
2. NO KNOWN EXISTING SUB-SURFACE STRUCTURES ON THE SUBJECT PROPERTY.
3. 10% LOT DRAINAGE SHALL BE CAPTURED AND DIRECTED THROUGH DRAIN PIPES TO THE WATER QUALITY SYSTEM DISCLOSED ON SHEET 1.







**NOTE:**  
TREES AND SHRUBS SHALL BE PLACED A MINIMUM 3' AWAY FROM WATER METER CASING OR TRAMP LATERAL & 6' AWAY FROM ALL 4" PVC POWER POLE. 1" AND A MINIMUM OF 3' AWAY FROM FIRE HYDRANT AND FIRE DECK. 1" FROM SPRINKLER AND 12" FROM COOLING COILS.

**NOTES:**

1. ALL PLANTINGS SHALL BE PLACED A MINIMUM 3' AWAY FROM WATER METER CASING OR TRAMP LATERAL & 6' AWAY FROM ALL 4" PVC POWER POLE. 1" AND A MINIMUM OF 3' AWAY FROM FIRE HYDRANT AND FIRE DECK. 1" FROM SPRINKLER AND 12" FROM COOLING COILS.

2. ALL SHRUB AREAS AND SLOPE IRRIGATION SHALL BE DRIP-TYPE IRRIGATION AS MEASURED IN GALLONS PER HOUR.

**NOTE:** ALL LANDSCAPE AND OPEN SPACE TO BE MAINTAINED BY OWNER

**NOTE:** NOT A PART OF THIS PLAN. GROSS AREA: 3.31 AC. NET AREA: 2.94 AC.

**CONCEPTUAL LEGEND**

BOTANICAL NAME	COMMON NAME	MIN. SIZE	SPACING	PLANT FACTOR
<b>STREET TREES:</b>				
DATE STREET				
FRAX ELDARICA	AFGHAN PINE	24" BOX	1' IN, 20' O.C.	LOW
RESINO HILL D.C.E				
LAGERSTROEMIA INDICA	GRAPE MYRTLE	24" BOX	MIN. 15' O.C.	MEDIUM
<b>ACCENT TREES:</b>				
LAGERSTROEMIA INDICA	GRAPE MYRTLE	24" BOX	MIN. 15' O.C.	MEDIUM
OLEA EUROPEA	OLIVE	24" BOX	AS SHOWN	MEDIUM
PERUNIA CERASIFERA	PURPLE PLUM	24" BOX	AS SHOWN	MEDIUM
<b>SHRUBS / PERENNIALS:</b>				
AGAPANTHUS ARIFOLIUS	HEY-OR-BRENNE	1 GALLON	2' O.C.	MEDIUM
JARDONIA FLAVIDA	KANGAROO P.'W	5 GALLON	3' O.C.	MEDIUM
BURSA PAPAYANA	JAPANESE BOWWOOD	5 GALLON	3' O.C.	MEDIUM
CITRUS PINEAPPLE	BERGAMOT	5 GALLON	4' O.C.	LOW
CALLISTEMON 'LITTLE JOHN'	EDWARD SCOTTE BIRCH	5 GALLON	4' O.C.	MEDIUM
DIERS BICOLOR	FOUR-NIGHT ELY	5 GALLON	3' O.C.	MEDIUM
BRASSICA PARSNIPS	SILVERBERRY	5 GALLON	4' O.C.	LOW
BUONIVIS SP.	EDUYNALIS	5 GALLON	4' O.C.	MEDIUM
ORE ALBA ROSSA	GREVILLEA	5 GALLON	4' O.C.	LOW
HEMERICALIN PEPER	DAWLEY	5 GALLON	2' O.C.	MEDIUM
HEMERICALIN ABUTILIFOLIA	TOYON	5 GALLON	4' O.C.	LOW
LEUCOPHYLLA 'J.F. GREER CLOUD'	TEXAS RANGER	5 GALLON	4' O.C.	LOW
LEUCOTRICHON 'SE' PERVENS	TEXA PINE	5 GALLON	3' O.C.	MEDIUM
PHORBARIA TENAX 'DARK DELIGHT'	NEW ZEALAND FLAX	5 GALLON	4' O.C.	MEDIUM
PROSTROPHIA 'MAGNIFICA'	MARGARITA DUCK ORANGE	5 GALLON	3' O.C.	MEDIUM
RHAPHANISTRUM 'WALDESE BEAUTY'	INDIA HAWTHORN	5 GALLON	3' O.C.	MEDIUM
RHAPHANISTRUM 'LUMELATA 'NANCY'	INDIA HAWTHORN	5 GALLON	3' O.C.	MEDIUM
ROSA VEPEC	SHRUB ROSE	5 GALLON	3' O.C.	LOW
ROSMARINUS 'TUSCAN BLUE'	SPROUT ROSEMARY	5 GALLON	3' O.C.	LOW
RUELIA BERTHONA	MEXICAN RUELIA	5 GALLON	3' O.C.	LOW
'SALVA LILACINA'	MEXICAN SAGE	5 GALLON	3' O.C.	LOW
STYDAMA CONGESTUM	SUNNY LEAD HYDRA	5 GALLON	4' O.C.	MEDIUM
<b>PERENNIAL GRASSES:</b>				
HEMERICALIN PARSIFLORA	RED WICKIA	1 GALLON	2' O.C.	LOW
HEMERICALIN 'SE' PERVENS	BLUE OAT GRASS	1 GALLON	2' O.C.	MEDIUM
MUNIBERBERIA CAPILLARIS	PINK JULY	1 GALLON	2' O.C.	MEDIUM
MUNIBERBERIA RIGIDA	DEEP GRASS	1 GALLON	2' O.C.	MEDIUM
PENSETUM 'LITTLE BURNING'	DIYABE FOUNTAIN GRASS	1 GALLON	2' O.C.	MEDIUM
PENSETUM 'RATON CALYDOW'	RED FOUNTAIN GRASS	1 GALLON	2' O.C.	MEDIUM

BOTANICAL NAME	COMMON NAME	MIN. SIZE	SPACING	PLANT FACTOR
<b>ACCENT TREES:</b>				
LAGERSTROEMIA INDICA	GRAPE MYRTLE	24" BOX	AS SHOWN	MEDIUM
OLEA EUROPEA	OLIVE	24" BOX	AS SHOWN	MEDIUM
PERUNIA CERASIFERA	PURPLE PLUM	24" BOX	AS SHOWN	MEDIUM
<b>SHRUBS / PERENNIALS:</b>				
AGAPANTHUS ARIFOLIUS	HEY-OR-BRENNE	1 GALLON	2' O.C.	MEDIUM
JARDONIA FLAVIDA	KANGAROO P.'W	5 GALLON	3' O.C.	MEDIUM
BURSA PAPAYANA	JAPANESE BOWWOOD	5 GALLON	3' O.C.	MEDIUM
CITRUS PINEAPPLE	BERGAMOT	5 GALLON	4' O.C.	LOW
CALLISTEMON 'LITTLE JOHN'	EDWARD SCOTTE BIRCH	5 GALLON	4' O.C.	MEDIUM
DIERS BICOLOR	FOUR-NIGHT ELY	5 GALLON	3' O.C.	MEDIUM
BRASSICA PARSNIPS	SILVERBERRY	5 GALLON	4' O.C.	LOW
BUONIVIS SP.	EDUYNALIS	5 GALLON	4' O.C.	MEDIUM
ORE ALBA ROSSA	GREVILLEA	5 GALLON	4' O.C.	LOW
HEMERICALIN PEPER	DAWLEY	5 GALLON	2' O.C.	MEDIUM
HEMERICALIN ABUTILIFOLIA	TOYON	5 GALLON	4' O.C.	LOW
LEUCOPHYLLA 'J.F. GREER CLOUD'	TEXAS RANGER	5 GALLON	4' O.C.	LOW
LEUCOTRICHON 'SE' PERVENS	TEXA PINE	5 GALLON	3' O.C.	MEDIUM
PHORBARIA TENAX 'DARK DELIGHT'	NEW ZEALAND FLAX	5 GALLON	4' O.C.	MEDIUM
PROSTROPHIA 'MAGNIFICA'	MARGARITA DUCK ORANGE	5 GALLON	3' O.C.	MEDIUM
RHAPHANISTRUM 'WALDESE BEAUTY'	INDIA HAWTHORN	5 GALLON	3' O.C.	MEDIUM
RHAPHANISTRUM 'LUMELATA 'NANCY'	INDIA HAWTHORN	5 GALLON	3' O.C.	MEDIUM
ROSA VEPEC	SHRUB ROSE	5 GALLON	3' O.C.	LOW
ROSMARINUS 'TUSCAN BLUE'	SPROUT ROSEMARY	5 GALLON	3' O.C.	LOW
RUELIA BERTHONA	MEXICAN RUELIA	5 GALLON	3' O.C.	LOW
'SALVA LILACINA'	MEXICAN SAGE	5 GALLON	3' O.C.	LOW
STYDAMA CONGESTUM	SUNNY LEAD HYDRA	5 GALLON	4' O.C.	MEDIUM
<b>PERENNIAL GRASSES:</b>				
HEMERICALIN PARSIFLORA	RED WICKIA	1 GALLON	2' O.C.	LOW
HEMERICALIN 'SE' PERVENS	BLUE OAT GRASS	1 GALLON	2' O.C.	MEDIUM
MUNIBERBERIA CAPILLARIS	PINK JULY	1 GALLON	2' O.C.	MEDIUM
MUNIBERBERIA RIGIDA	DEEP GRASS	1 GALLON	2' O.C.	MEDIUM
PENSETUM 'LITTLE BURNING'	DIYABE FOUNTAIN GRASS	1 GALLON	2' O.C.	MEDIUM
PENSETUM 'RATON CALYDOW'	RED FOUNTAIN GRASS	1 GALLON	2' O.C.	MEDIUM

BOTANICAL NAME	COMMON NAME	MIN. SIZE	SPACING	PLANT FACTOR
<b>GROUND COVERS:</b>				
BACCHARIS P. VIGON-FOUNT	DWARF COYOTE BRUSH	1 GALLON	4' O.C.	LOW
BERBERIS REPENS	CREeping BARBERT	1 GALLON	4' O.C.	LOW
CORDON-ROSE D. 'LOWWAVE'	LOW-FAST CORDON-ROSE	1 GALLON	3' O.C.	LOW
CITRUS SAUVAGUIS	SAGELEAF KOCOCROSE	1 GALLON	3' O.C.	LOW
GAZANIA 'R'	GAZANIA	1 GALLON	12" O.C.	MEDIUM
HYPOCYCERUS	PINK ANEMONE	1 GALLON	12" O.C.	MEDIUM
ROMARINUS D. 'FEDERATION'	PROSTRATE ROSEMARY	1 GALLON	3' O.C.	LOW
ROSA 'LOUISIANA CAMEL'	GROUND-COVER ROSE	1 GALLON	2' O.C.	MEDIUM
<b>GRASSES:</b>				
DIERS BICOLOR	FOUR-NIGHT ELY	5 GALLON	15' O.C.	MEDIUM
EDUYNALIS	CATS CLAW - WE	5 GALLON	15' O.C.	MEDIUM
GREVILLEA	BOSTON NY	5 GALLON	15' O.C.	MEDIUM

**APPLICANT:** TERRA NOVA CONSULTANTS  
**CONTACT:** STEVE GALVEZ  
 31938 TEMECULA PARKWAY, #A369  
 TEMECULA, CA 92592  
 951-297-8120

**CIVIL ENGINEER:** VAL ENGINEERING  
**CONTACT:** RICH VALDEZ  
 31805 TEMECULA PARKWAY, #129  
 TEMECULA, CA 92592  
 951-296-9730

**LANDOWNER 1:** CHL INVESTMENTS  
**CONTACT:** STEVE GALVEZ  
 P.O. BOX 1152  
 TEMECULA, CA 92563  
 951-731-7735

**LANDOWNER 2:** TAYLOR MOTORSPORTS  
 1135 N. RAMONA BLVD.  
 SAN JACINTO, CA 92592  
 951-823-1346

**NOTE:**  
 SEE SHEET L-2 FOR PROJECT INFO / OPEN SPACE PLAN  
 SEE SHEET L-3 FOR ENLARGEMENTS / WALL & FENCE DETAILS  
 SEE SHEET L-4 FOR WALL / FENCE PLAN, SHADE PLAN AND OPEN SPACE PLAN

**LANDSCAPE CONCEPT PLAN FOR:**  
**MURRIETA APARTMENTS**  
 Terra Nova Consultants

CITY OF MURRIETA

**EXHIBIT PREPARED BY:**  
 DAVID NEAU ASSOCIATES  
 41577 ENTERPRISE CIRCLE NORTH #140  
 TEMECULA, CA 92590  
 951-296-3430

**DATE PREPARED:** FEB. 1, 2019

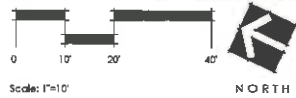
PROJECT NO.	1	SHEET NO.	4
<b>CITY OF MURRIETA</b>			
<b>CONCEPTUAL LANDSCAPE PLAN</b>			
BP-0018-701			
MURRIETA APARTMENTS			
DATE	FEB 1 2019	SCALE	AS SHOWN
DESIGNED BY	DAVID NEAU	CHECKED BY	DAVID NEAU
DRAWN BY	DAVID NEAU	DATE	FEB 1 2019
DATE	FEB 1 2019	SCALE	AS SHOWN
PROJECT NO.	1	SHEET NO.	4



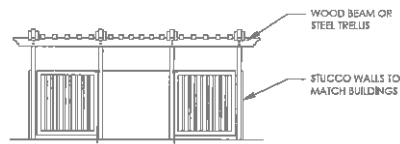
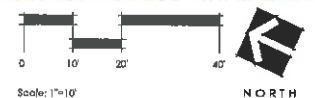




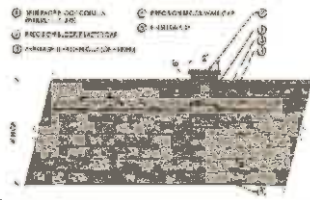
RECREATION / POOL / CLUBHOUSE AREA  
12,799 sf (.29 acres)



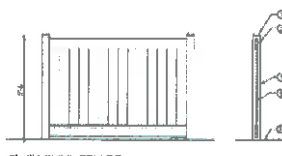
TOT LOT AND PICNIC AREA  
9,493 sf (.21 acres)



TYPICAL TRASH ENCLOSURE 1/4"=1'-0"



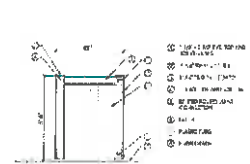
SPLITFACE BLOCK WALL  
COLOR: TAN



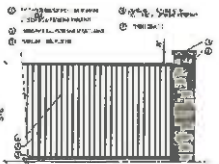
5-6" VINYL FENCE  
COLOR: WHITE



BIKE RACKS (19)



5-6" VINYL GATE  
COLOR: WHITE



5-6" TUBULAR STEEL FENCE  
STEEL COLOR: BLACK - PLASTER COLOR: TAN



ENTRY MONUMENT

# LANDSCAPE CONCEPT PLAN FOR: MURRIETA APARTMENTS

Terra Nova Consultants

CITY OF MURRIETA

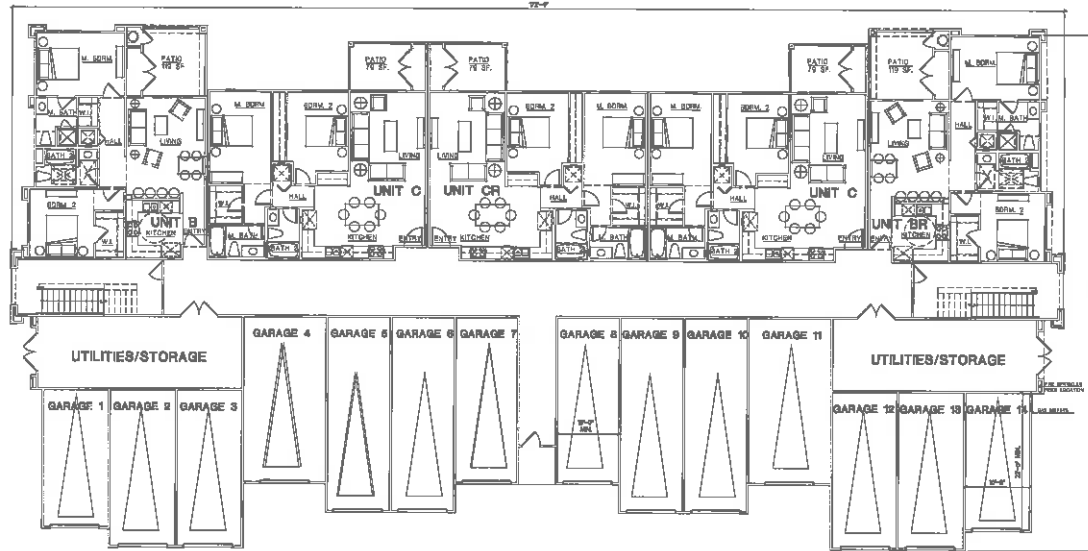
		EXHIBIT PREPARED BY: DAVID NEAULT ASSOCIATES 41877 ENTERPRISE CIRCLE NORTH #140 TEMECULA, CA, 92590 951-296-3430		DATE PREPARED: FEB. 1, 2019	
UNDER THE SUPERVISION OF:		SHEET NO.		SHEET TOTAL	
PROJECT NO.	DATE	DATE	SHEET NO.	SHEET TOTAL	DATE
SEE ABOVE	DATE	DATE	SHEET NO.	SHEET TOTAL	DATE
PROJECT NO.	DATE	DATE	SHEET NO.	SHEET TOTAL	DATE
PROJECT NO.	DATE	DATE	SHEET NO.	SHEET TOTAL	DATE

SHEET 3  
**CITY OF MURRIETA**  
 DIVISION OF PLANNING  
**CONCEPTUAL LANDSCAPE PLAN**  
 DP-2018-1761  
**MURRIETA APARTMENTS**



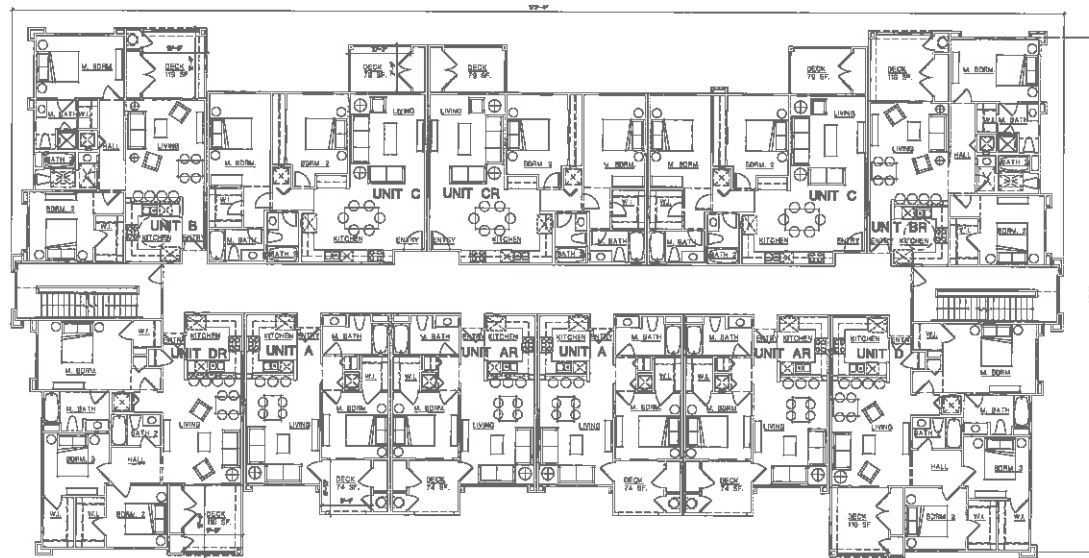






UNIT MIX PER BLDG. TYPE I 3-STORY BUILDING				
NAME	TYPE	SIZE	DECK SIZE	# PER BLDG.
A	1 BED, 1 BATH	614 SF	74 SF	8
B	2 BED, 2 BATH	826 SF	119 SF	8
C	2 BED, 2 BATH	1,000 SF	79 SF	9
D	3 BED, 2 BATH	1,104 SF	110 SF	4
				27 TOTAL

FIRST FLOOR



TYPICAL UPPER FLOOR

BLDG. TYPE I: 3-STORY BUILDING  
PRELIMINARY BUILDING PLANS

MURRIETA APARTMENTS  
MURRIETA, CA

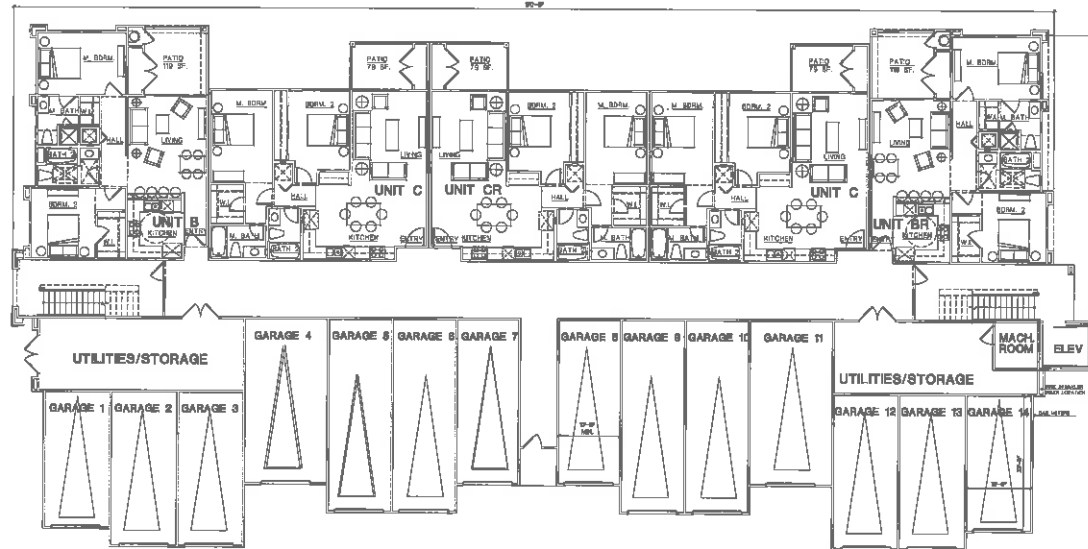
TIERRA NOVA CONSULTING, INC.  
31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE: 1/8" = 1'-0"  
1/24/19  
8001

FLAIR  
ARCHITECTS

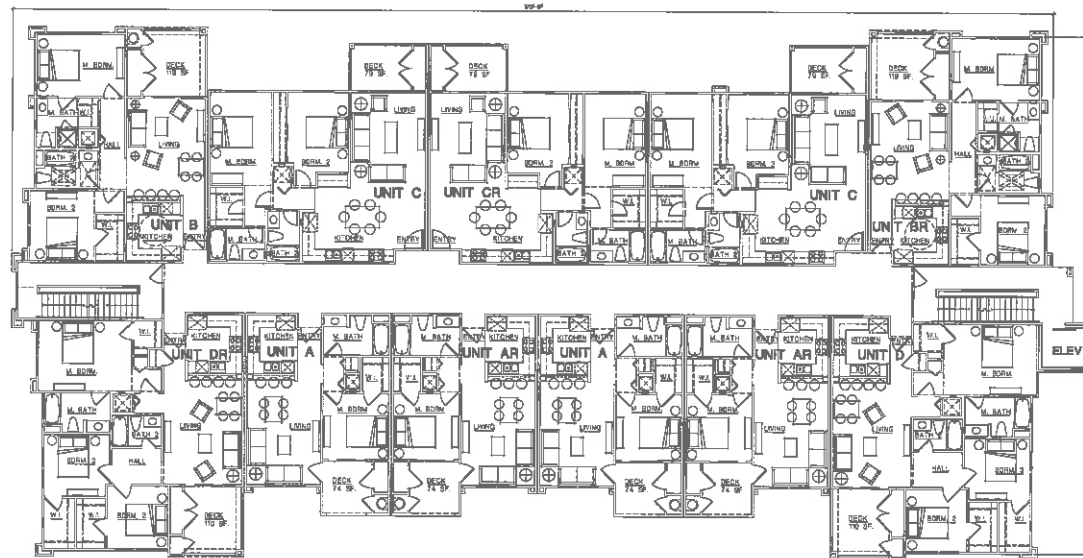
FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
470 WARD, IRVINE, CALIFORNIA 92614-6668  
(949) 759-7252 FAX (949) 759-7240

2.1



UNIT MIX PER BLDG. TYPE II: 4-STORY BUILDING				
NAME	TYPE	SIZE	DECK SIZE	# PER BLDG.
A	1 BED, 1 BATH	614 SF	74 SF	12
B	2 BED, 2 BATH	926 SF	119 SF	8
C	2 BED, 2 BATH	1,000 SF	79 SF	12
D	3 BED, 2 BATH	1,104 SF	110 SF	6
				<b>38 TOTAL</b>

FIRST FLOOR



TYPICAL UPPER FLOOR

**BLDG. TYPE II: 4-STORY BUILDING  
PRELIMINARY BUILDING PLANS**

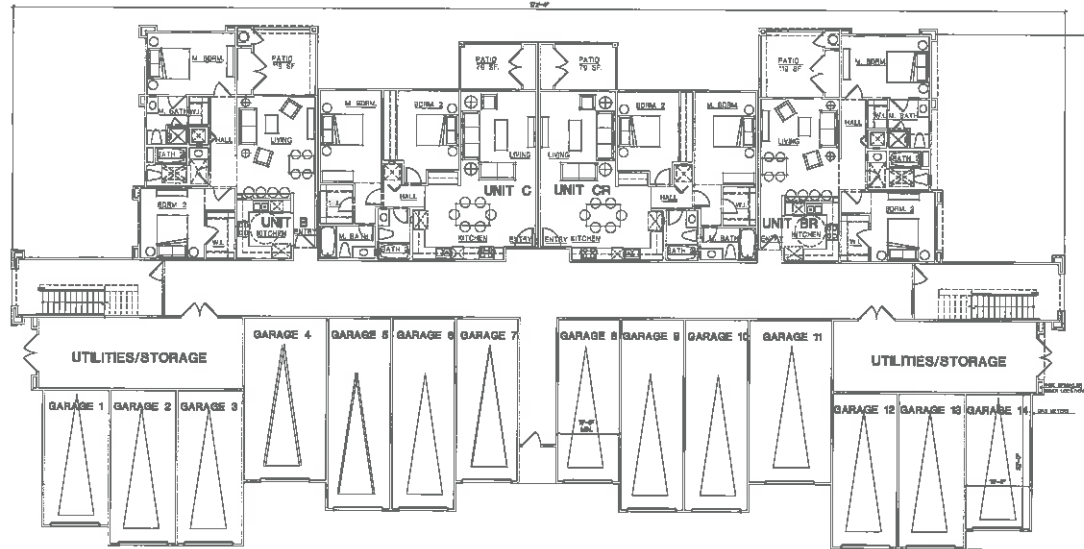
**MURRIETA APARTMENTS**  
MURRIETA, CA

**TIERRA NOVA CONSULTING, INC.**  
31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE: 1/8" = 1'-0"  
8/23/18  
18001

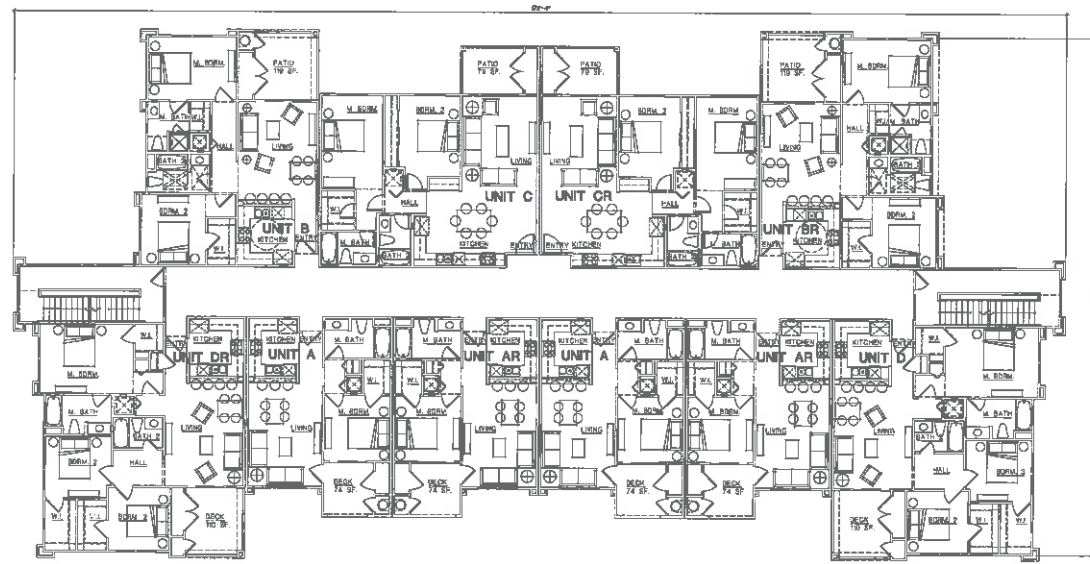
**FLAIR ARCHITECTS**  
FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
470 WILD BERRY, CALIFORNIA 92506-8808  
(951) 759-7252 FAX (951) 759-7500

2.1a



UNIT MIX PER BLDG. TYPE III 3-STORY BUILDING				
NAME	TYPE	SIZE	DECK SIZE	# PER BLDG.
A	1 BED, 1 BATH	614 SF	74 SF	8
B	2 BED, 2 BATH	828 SF	116 SF	8
C	2 BED, 2 BATH	1,008 SF	78 SF	6
D	3 BED, 2 BATH	1,104 SF	110 SF	4
				24 TOTAL

FIRST FLOOR



TYPICAL UPPER FLOOR

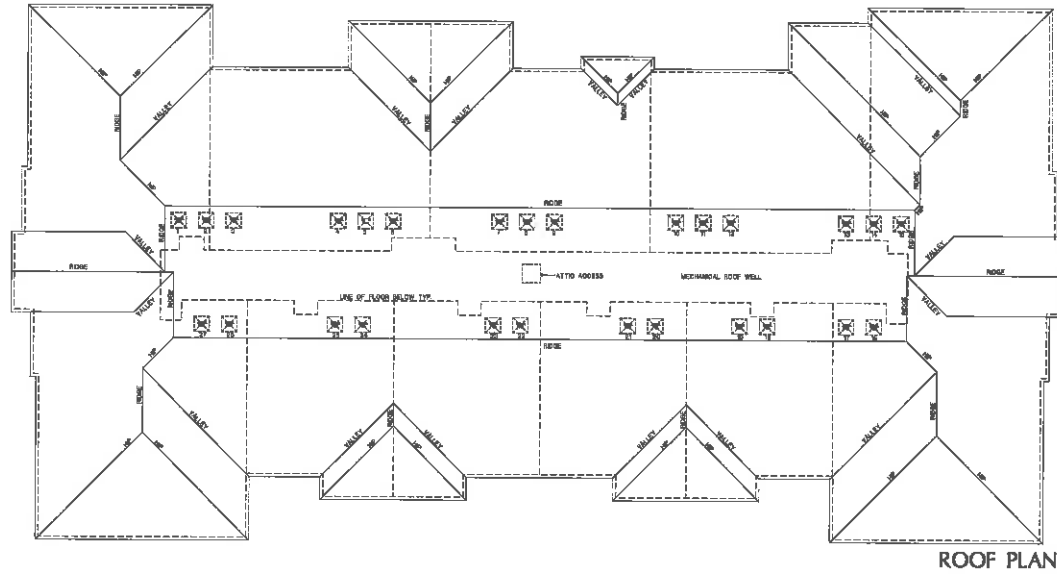
BLDG. TYPE III: 3-STORY BUILDING  
PRELIMINARY BUILDING PLANS

MURRIETA APARTMENTS  
MURRIETA, CA  
TIERRA NOVA CONSULTING, INC.  
31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE 1/8" = 1'-0"  
8/23/18  
18001

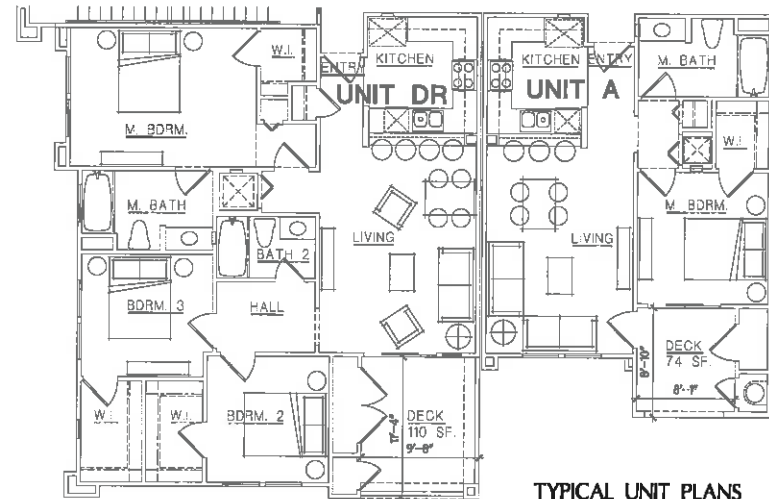
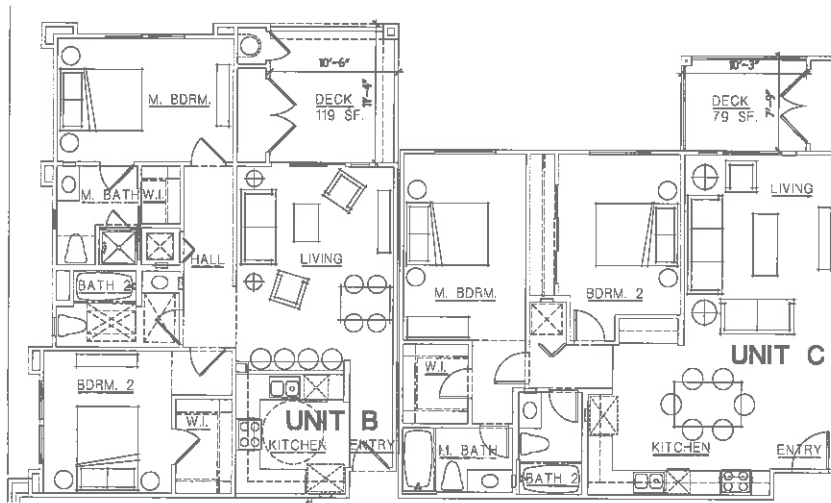
FLAIR ARCHITECTS  
FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
670 WINDY WAY, CALIFORNIA 92506-4888  
(949) 780-2323 FAX (949) 780-2598

2.1b



ROOF PLAN

UNIT MIX PER BLDG. TYPE I: 3-STORY BUILDING				
NAME	TYPE	SIZE	DECK SIZE	# PER BLDG.
A	1 BED, 1 BATH	614 SF	74 SF	8
B	2 BED, 2 BATH	928 SF	119 SF	6
C	2 BED, 2 BATH	1,000 SF	79 SF	9
D	3 BED, 2 BATH	1,104 SF	110 SF	4
				27 TOTAL



TYPICAL UNIT PLANS  
SCALE 1/4" = 1'-0"

BLDG. TYPE I: 3-STORY BUILDING  
PRELIMINARY ROOF & UNIT PLANS

MURRIETA APARTMENTS

MURRIETA, CA

TIERRA NOVA CONSULTING, INC.

31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE 1/8" = 1'-0"

1/14/19  
18001

FLAIR  
ARCHITECTS

FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
401 WILD, TEMPE, CALIFORNIA 92586-4638  
949 788-2726 FAX 949 788-2740

2.2





FRONT ELEVATION



REAR ELEVATION

BUILDING TYPE I  
TYPICAL BUILDING ELEVATIONS

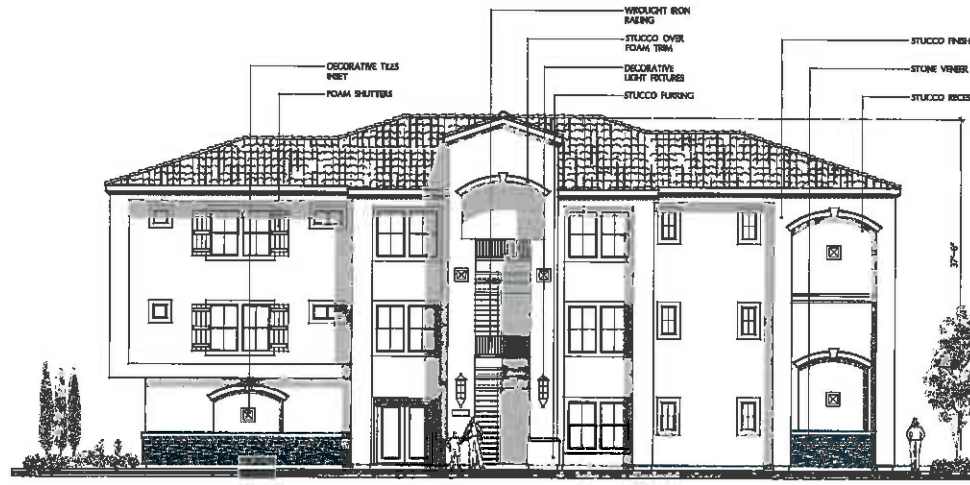
MURRIETA APARTMENTS  
MURRIETA, CA

TIERRA NOVA CONSULTING, INC.  
31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE: 3/16"=1'-0"  
1/24/18  
18001

FLAIR  
ARCHITECTS  
FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
470 WILCO, IRVING, CALIFORNIA 92604-4000  
949 759-7528 FAX 949 759-7540

3.1



RIGHT ELEVATION



LEFT ELEVATION

BUILDING TYPE I  
TYPICAL BUILDING ELEVATIONS

MURRIETA APARTMENTS  
MURRIETA, CA

TIERRA NOVA CONSULTING, INC.  
31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE: 3/8"=1'-0"  
1/24/19  
18001

FLAIR  
ARCHITECTS  
FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
600 WALDO, IRVINE, CALIFORNIA 92614-4028  
949 759-7322 FAX 949 759-7540

3.2



FRONT ELEVATION



REAR ELEVATION

BUILDING TYPE II  
TYPICAL BUILDING ELEVATIONS

MURRIETA APARTMENTS  
MURRIETA, CA

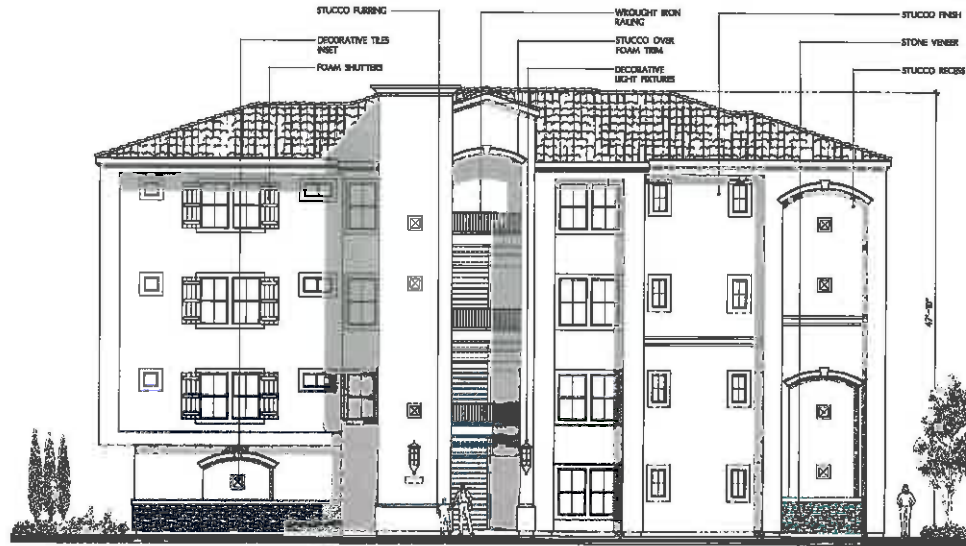
TIERRA NOVA CONSULTING, INC.  
31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE: 3/8"=1'-0"  
1/24/19  
18001

FLAIR ARCHITECTS  
FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
470 WALD, IRVINE, CALIFORNIA 92614-4638  
949 759-7321 FAX 949 759-7340

4.1





RIGHT ELEVATION



LEFT ELEVATION

BUILDING TYPE II  
TYPICAL BUILDING ELEVATIONS

MURRIETA APARTMENTS  
MURRIETA, CA

TIERRA NOVA CONSULTING, INC.

31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE: 3/8"=1'-0"  
1/24/19  
18001

FLAIR  
ARCHITECTS

FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
470 WALD AVENUE, CALIFORNIA 92519-4425  
PHONE 760-732-1100 FAX 949-787-7340

4.2



FRONT ELEVATION



REAR ELEVATION

BUILDING TYPE III  
TYPICAL BUILDING ELEVATIONS

MURRIETA APARTMENTS  
MURRIETA, CA

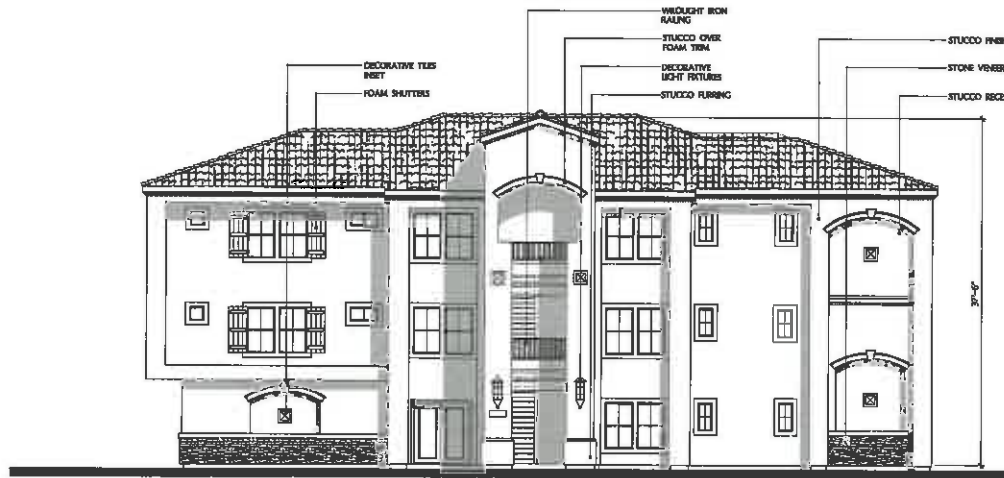
TIERRA NOVA CONSULTING, INC.  
31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE: 1/8"=1'-0"  
1/24/19  
18001

FLAIR  
ARCHITECTS  
FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
410 WILCOX, SUITE 1000, CALIFORNIA 92592-4028  
951 789-7232 FAX 951 789-7240

5.1





RIGHT ELEVATION



LEFT ELEVATION

BUILDING TYPE III  
TYPICAL BUILDING ELEVATIONS

MURRIETA APARTMENTS  
MURRIETA, CA

TIERRA NOVA CONSULTING, INC.  
31938 TEMECULA PARKWAY, SUITE A369  
TEMECULA, CALIFORNIA 92592

SCALE: 3/8"=1'-0"  
1/24/19  
18001

FLAIR  
ARCHITECTS  
FLAIR ARCHITECTS, INC.  
ARCHITECTURE • PLANNING • INTERIOR DESIGN  
470 WILD, IRVINE, CALIFORNIA 92614-4433  
OVR 714-752 FAX 949-759-7340

5.2

**NOTICE OF PUBLIC HEARING  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the application described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. For more information please contact **ALUC Planner Paul Rull at (951) 955-6893**. The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan.

The City of Murrieta Planning Department will hold hearings on this item and should be contacted on non-ALUC issues. For more information please contact City of Murrieta Planner Mr. Aaron Rintamaki at (951) 461-6079.

The proposed project application may be viewed and written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, California 92501, Monday through Thursday from 8:00 a.m. to 5:00 p.m., except Thursday, July 4 (Independence Day), and by prescheduled appointment on Fridays from 9:00 a.m. to 5:00 p.m.

PLACE OF HEARING: Riverside County Administration Center  
4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
Riverside California

DATE OF HEARING: July 11, 2019

TIME OF HEARING: 9:30 A.M.

**CASE DESCRIPTION:**

ZAP1089FV19 – MHS 98, LLC (Representative: VSL Engineering) – City of Murrieta Case Nos. GPA2018-1762 (General Plan Amendment), ZC2018-1763 (Zone Change), DP2018-1761 (Development Plan). A proposal to establish a 234 dwelling unit multi-family residential complex on 8.37 acres located northerly of Rising Hill Drive, westerly of Highway 79 Winchester Road, easterly of Date Street, and southerly of Murrieta Hot Springs Road. The applicant also proposes amending the City's General Plan designation of the site from Commercial to Multi Family Residential and changing the site's zoning from Community Commercial to Multi-Family 3 (Airport Compatibility Zone D of the French Valley Airport Influence Area).



# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## APPLICATION FOR MAJOR LAND USE ACTION REVIEW

ALUC CASE NUMBER: ZAP1089 FV19 DATE SUBMITTED: April 12, 2019

### APPLICANT / REPRESENTATIVE / PROPERTY OWNER CONTACT INFORMATION

FV  
D

Applicant	<u>Steve Galvez, MHS 98, LLC</u>	Phone Number	<u>951-297-8120</u>
Mailing Address	<u>31935 Temecula Parkway, #A369 Temecula, CA 92592</u>	Email	<u>steve@stevegalvez.com</u>
Representative	<u>Richard Valdez, VSL Engineering</u>	Phone Number	<u>951-296-3930</u>
Mailing Address	<u>31805 Temecula Parkway, #129 Temecula, CA 92592</u>	Email	<u>vslengineering@gmail.com</u>
Property Owner	<u>See attached list</u>	Phone Number	<u>See attached list</u>
Mailing Address	<u>See attached list</u>	Email	<u>steve@stevegalvez.com</u>

### LOCAL JURISDICTION AGENCY

Local Agency Name	<u>City of Murrieta</u>	Phone Number	<u>951-461-6079</u>
Staff Contact	<u>Aaron Rintamaki</u>	Email	<u>ARintamaki@murrietaca.gov</u>
Mailing Address	<u>1 Town Square Murrieta, CA 92562</u>	Case Type	<input checked="" type="checkbox"/> General Plan / Specific Plan Amendment <input checked="" type="checkbox"/> Zoning Ordinance Amendment <input type="checkbox"/> Subdivision Parcel Map / Tentative Tract <input type="checkbox"/> Use Permit <input checked="" type="checkbox"/> Site Plan Review/Plot Plan <input type="checkbox"/> Other
Local Agency Project No	<u>DP-2018-1761, GPA-2018-1762, ZC-2018-1763</u>		

### PROJECT LOCATION

Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways

See Attached

Street Address	_____		
Assessor's Parcel No.	<u>See Attached List</u>	Gross Parcel Size	_____
Subdivision Name	_____	Nearest Airport and distance from Airport	<u>French Valley Airport (1.5 Miles)</u>
Lot Number	_____		

### PROJECT DESCRIPTION

If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed

Existing Land Use (describe) Vacant and undeveloped land

Proposed Land Use (describe)	<u>234 Apartment Units, with associated parking, landscape and recreational amenities</u>		
For Residential Uses	Number of Parcels or Units on Site (exclude secondary units)	<u>234 Apartment Units</u>	
For Other Land Uses (See Appendix C)	Hours of Operation	<u>None</u>	
	Number of People on Site	Maximum Number	<u>702</u>
	Method of Calculation	<u>234 Apartment Units x 3 People/Unit = 702 People</u>	
Height Data	Site Elevation (above mean sea level)	<u>1143</u>	ft.
	Height of buildings or structures (from the ground)	<u>50' (maximum)</u>	ft.
Flight Hazards	Does the project involve any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If yes, describe	_____	

- A. NOTICE:** Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive, of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.
- B. REVIEW TIME:** Estimated time for "staff level review" is approximately 30 days from date of submittal. Estimated time for "commission level review" is approximately 45 days from date of submittal to the next available commission hearing meeting.
- C. SUBMISSION PACKAGE:**
1. . . . . Completed ALUC Application Form
  1. . . . . ALUC fee payment
  1. . . . . Plans Package (24x36 folded) (site plans, floor plans, building elevations, grading plans, subdivision maps)
  1. . . . . Plans Package (8.5x11) (site plans, floor plans, building elevations, grading plans, subdivision maps, zoning ordinance/GPA/SPA text/map amendments)
  1. . . . . CD with digital files of the plans (pdf)
  1. . . . . Vicinity Map (8.5x11)
  1. . . . . Detailed project description
  1. . . . . Local jurisdiction project transmittal
  3. . . . . Gummed address labels for applicant/representative/property owner/local jurisdiction planner
  3. . . . . Gummed address labels of all surrounding property owners within a 300 foot radius of the project site. (Only required if the project is scheduled for a public hearing Commission meeting)

## **ASSESSOR PARCEL NUMBERS:**

**913-210-005, 913-210-006, 913-210-007  
913-210-010, 913-210-011, 913-210-012  
913-210-013, 913-210-032 (PORTION),  
913-210-033, 913-210-034 AND 913-210-035**

## **LAND OWNERS:**

- 1) DHL INVESTMENTS  
STEVE GALVEZ  
P.O. BOX 1152  
TEMECULA, CA. 92563  
951-731-7735**
- 2) TAYLOR MOTORSPORTS  
1133 N. RAMONA BLVD.  
SAN JACINTO, CA. 92592  
951-323-1346**
- 3) MHS 98  
31938 TEMECULA PARKWAY, #A369  
TEMECULA, CA. 92592  
951-297-8120**



**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.4

**HEARING DATE:** July 11, 2019

**CASE NUMBER:** ZAP1078BD19 – Smartlink, LLC (Representative: Chris Doheny)

**APPROVING JURISDICTION:** City of Palm Desert

**JURISDICTION CASE NO:** CUP19-0002 (Conditional Use Permit)

**MAJOR ISSUES:** An original proposal for a 75-foot tall structure was determined to be a hazard to air navigation. The applicant then revised the height to 65 feet. (A temporary 90-foot crane will require marking and lighting and issuance of a Notice to Airmen.)

**RECOMMENDATION:** Staff recommends that the Conditional Use Permit be found **CONSISTENT**, subject to the conditions included herein.

**PROJECT DESCRIPTION:** The applicant proposes to establish a 65 foot tall “monopalm” wireless communications facility with a 286 square foot equipment shelter area on 0.71 acre (Assessor’s Parcel Number 632-070-052).

**PROJECT LOCATION:** The site is located southerly of Country Club Drive, westerly of Washington Street, and northerly and easterly of Harris Lane, approximately 6,580 feet northwesterly of Runway 10-28 at Bermuda Dunes Airport.

**LAND USE PLAN:** 2004 Bermuda Dunes Airport Land Use Compatibility Plan

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Compatibility Zone C
- c. Noise Levels: 55 - 60 CNEL contour

**BACKGROUND:**

**Non-Residential Intensity:** Pursuant to the 2004 Bermuda Dunes Airport Land Use Compatibility Plan, the project site is located within Compatibility Zone C which restricts average intensity to 75 people per acre, and 150 people per single acre. The proposed project is an unmanned wireless facility with no onsite occupancy. There is an existing Circle K store on the property.

Prohibited and Discouraged Uses: The applicant does not propose any uses specifically prohibited or discouraged in Compatibility Zone C of the Bermuda Dunes Airport Influence Area.

Noise: The site is located within the 55-60 CNEL contour range from aircraft noise. The project does not propose any uses that would be sensitive to noise, and, therefore, would not require special measures to mitigate aircraft-generated noise.

Part 77: The elevation of Runway 10-28 at its westerly terminus is approximately 73 feet above mean sea level (AMSL). At a distance of approximately 6,580 feet from the runway, FAA review would be required for any structures with top of roof exceeding 138.58 feet AMSL. The project's site elevation is approximately 113 feet AMSL, and the maximum height of the proposed structure is 65 feet, for a maximum top point elevation of 178 feet AMSL. Therefore, Federal Aviation Administration Obstruction Evaluation Service (FAA OES) review for height/elevation reasons was required. The applicant submitted Form 7460-1 and FAA OES assigned Aeronautical Study Nos. 2019-AWP-4372-OE (wireless facility) and 2019-AWP-4373-OE (for a 90-foot temporary construction crane) to this project. Determinations of no hazard to air navigation were issued (Aeronautical Study Nos. 2019-AWP-4372-OE and 2019-AWP-4373-OE), as the FAA OES determined that the wireless facility and temporary construction crane would not result in an impact to air navigation. The 90-foot construction crane would exceed Part 77 obstruction standards, but is not considered to constitute a substantial hazard due to its temporary nature.

Open Area: The site is located within Compatibility Zone C of the Bermuda Dunes Airport Influence Area, which requires projects 10 acres or larger to designate 20% of project area as ALUC qualifying open area that could potentially serve as emergency landing areas. Since the overall project size is less than 10 acres, the open area requirement is not applicable to this project.

#### **CONDITIONS:**

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - (a) Any use or activity which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use or activity which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged

in a straight final approach towards a landing at an airport.

- (c) Any use or activity which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, composting operations, production of cereal grains, sunflower, and row crops, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be given to all prospective purchasers and/or tenants of the property, and shall be recorded as a deed notice.
  4. The Federal Aviation Administration has conducted an aeronautical study of the proposed wireless facility structure (Aeronautical Study No. 2019-AWP-4372-OE) and has determined that neither marking nor lighting of the structure(s) is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 2 and shall be maintained in accordance therewith for the life of the project.
  5. The proposed wireless facility structure shall not exceed a height of 65 feet above ground level and a maximum elevation at top point of 178 feet above mean sea level.
  6. The maximum height and top point elevation specified above and the coordinates, frequencies, and power specified in the Determination of No Hazard to Air Navigation letter for Aeronautical Study No. 2019-AWP-4372-OE shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.
  7. Within five (5) days after construction of the permanent structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the applicable structure.

8. The Federal Aviation Administration has conducted aeronautical studies of the proposed temporary construction crane structure (Aeronautical Study No. 2019-AWP-4373-OE) and is requiring that it be marked and lighted in accordance with FAA Advisory Circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, flags/red lights – Chapter 3 (Marked), 4, 5 (Red), and 12.
9. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as normal operation is restored, notify the same number.
10. The temporary construction crane shall not exceed a height of 90 feet above ground level. The maximum elevation at top point shall not exceed 203 feet above mean sea level (AMSL). The maximum crane height and top point elevation specified above shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in crane height or elevation shall not require further review by the Airport Land Use Commission.
11. At least three (3) business days prior to the erection of the temporary structure/crane, the permittee shall notify the FAA OES during core business hours via telephone at (424) 405-7642 or (424) 405-7643 and the manager of Bermuda Dunes Airport at (760) 345-2558 so that aeronautical procedures can be temporarily modified to accommodate the structure. Specifically, during the time that the crane is in place, the FAA's Flight Procedures Office will need to issue a Notice to Airmen increasing the LNAV MDA from 480 to 520 for pattern RNAV (GPS) RWY 10. Actual voice contact is required. Notification via telephone is required again upon removal of the temporary structure so that the Notice to Airmen may be cancelled.
12. Within five (5) days after the temporary crane has been dismantled or removed, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.)

# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2019-AWP-4372-OE

Issued Date: 06/04/2019

Dana Irvin  
 AT&T  
 208 S. Akard St.  
 Dallas, TX 75202

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole Country club  
 Location: Palm Desert, CA  
 Latitude: 33-45-25.57N NAD 83  
 Longitude: 116-18-12.64W  
 Heights: 113 feet site elevation (SE)  
 65 feet above ground level (AGL)  
 178 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

Any height exceeding 65 feet above ground level (178 feet above mean sea level), will result in a substantial adverse effect and would warrant a Determination of Hazard to Air Navigation.

This determination expires on 12/04/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-4372-OE.

**Signature Control No: 403217721-407554217**

( DNE )

Karen McDonald  
Specialist

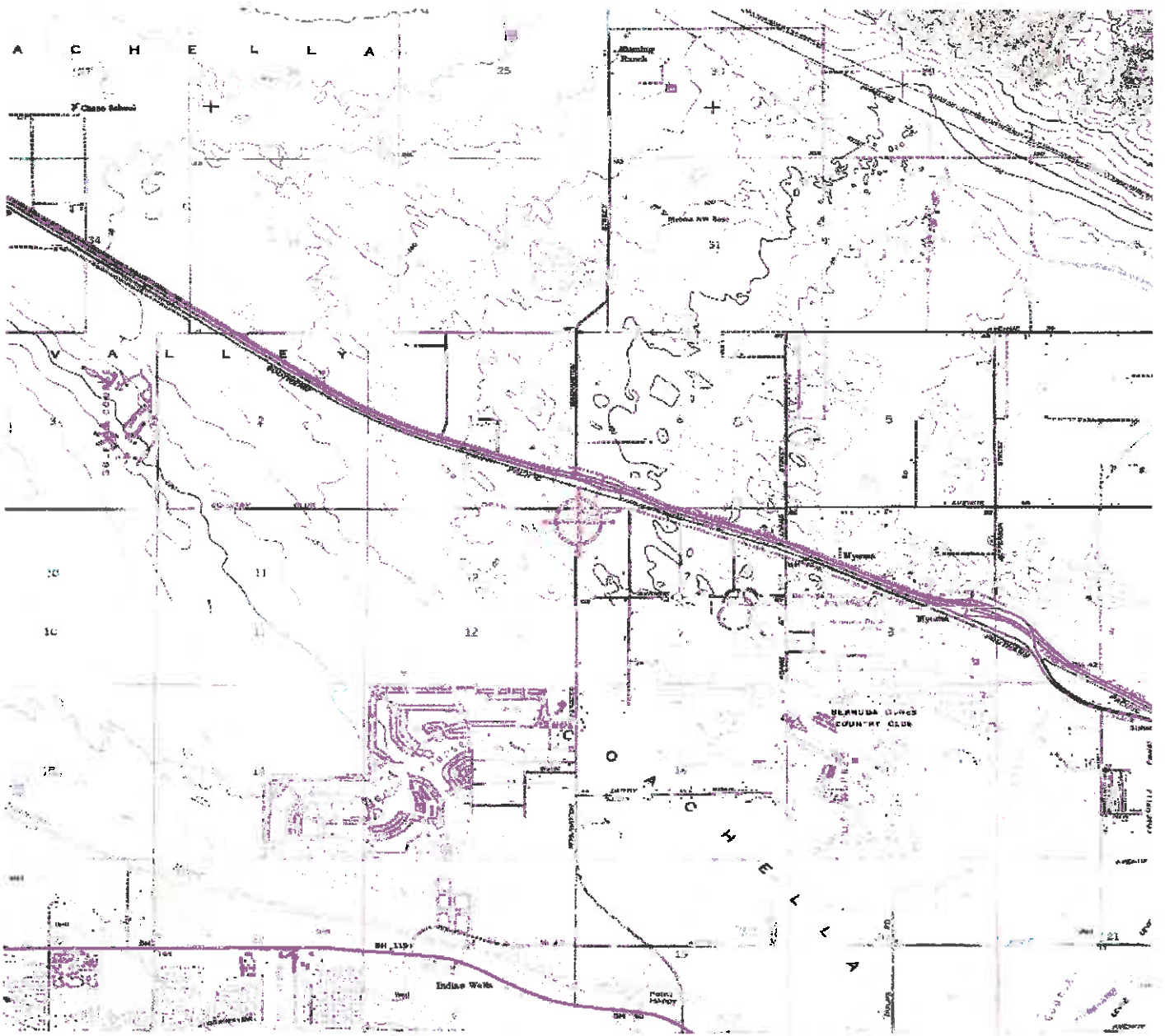
Attachment(s)  
Frequency Data  
Map(s)

cc: FCC

**Frequency Data for ASN 2019-AWP-4372-OE**

<b>LOW FREQUENCY</b>	<b>HIGH FREQUENCY</b>	<b>FREQUENCY UNIT</b>	<b>ERP</b>	<b>ERP UNIT</b>
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

TOPO Map for ASN 2019-AWP-4372-OE





Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2019-AWP-4373-OE

Issued Date: 05/09/2019

Robert P Walters - Dana Irvin  
AT&T Services, Inc.  
208 S. Akard St., 1012.4  
Dallas, TX 75202

**\*\*DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE\*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Crane Country club
Location:	Palm Desert, CA
Latitude:	33-45-25.57N NAD 83
Longitude:	116-18-12.64W
Heights:	113 feet site elevation (SE) 90 feet above ground level (AGL) 203 feet above mean sea level (AMSL)

This aeronautical study revealed that the temporary structure does exceed obstruction standards but would not be a hazard to air navigation provided the condition(s), if any, in this letter is (are) met:

**\*\*SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION\*\***

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this temporary structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).



If you have any questions, please contact our office at (424) 405-7643, or karen.mcdonald@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AWP-4373-OE

**Signature Control No: 403217792-405278504**  
Karen McDonald  
Specialist

( TMP )

**Additional Condition(s) or Information for ASN 2019-AWP-4373-OE**

**Proposal:** To construct and/or operate a(n) Crane to a height of 90 feet above ground level, 203 feet above mean sea level.

**Location:** The structure will be located 1.53 nautical miles west of UDD Airport reference point.

**Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:**

**Preliminary FAA study indicates that the above mentioned structure would:**

not exceed traffic pattern airspace

have no physical or electromagnetic effect on the operation of air navigation and communications facilities.

have no effect on any airspace and routes used by the military.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, flags/red lights - Chapters 3(Marked),4,5(Red),&12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that the FAA be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site. Notification should be made to this office during our core business hours (Monday through Friday, 9:00 a.m. to 3:00 p.m.) via telephone at LADONNA JAMES @ 424 405-7642 or KAREN MCDONALD @ 424 405-7643. Notification is necessary so that aeronautical procedures can be temporarily modified to accommodate the structure. Voicemail messages are not acceptable notice.

**NOTIFICATION IS REQUIRED AGAIN VIA TELEPHONE AT LADONNA JAMES @ 424 405-7642 or KAREN MCDONALD @ 424 405-7643 WHEN THE TEMPORARY STRUCTURE IS REMOVED FROM THE SITE FOR NOTICE TO AIRMAN (NOTAM) CANCELLATION.**

It is required that the manager of BERMUDA DUNES @ (760) 345-2558 be notified at least 3 business days prior to the temporary structure being erected and again when the structure is removed from the site.

This determination expires on 11/09/2020 unless extended, revised, or terminated by the issuing office.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed within 5 days after the temporary structure is dismantled.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO**

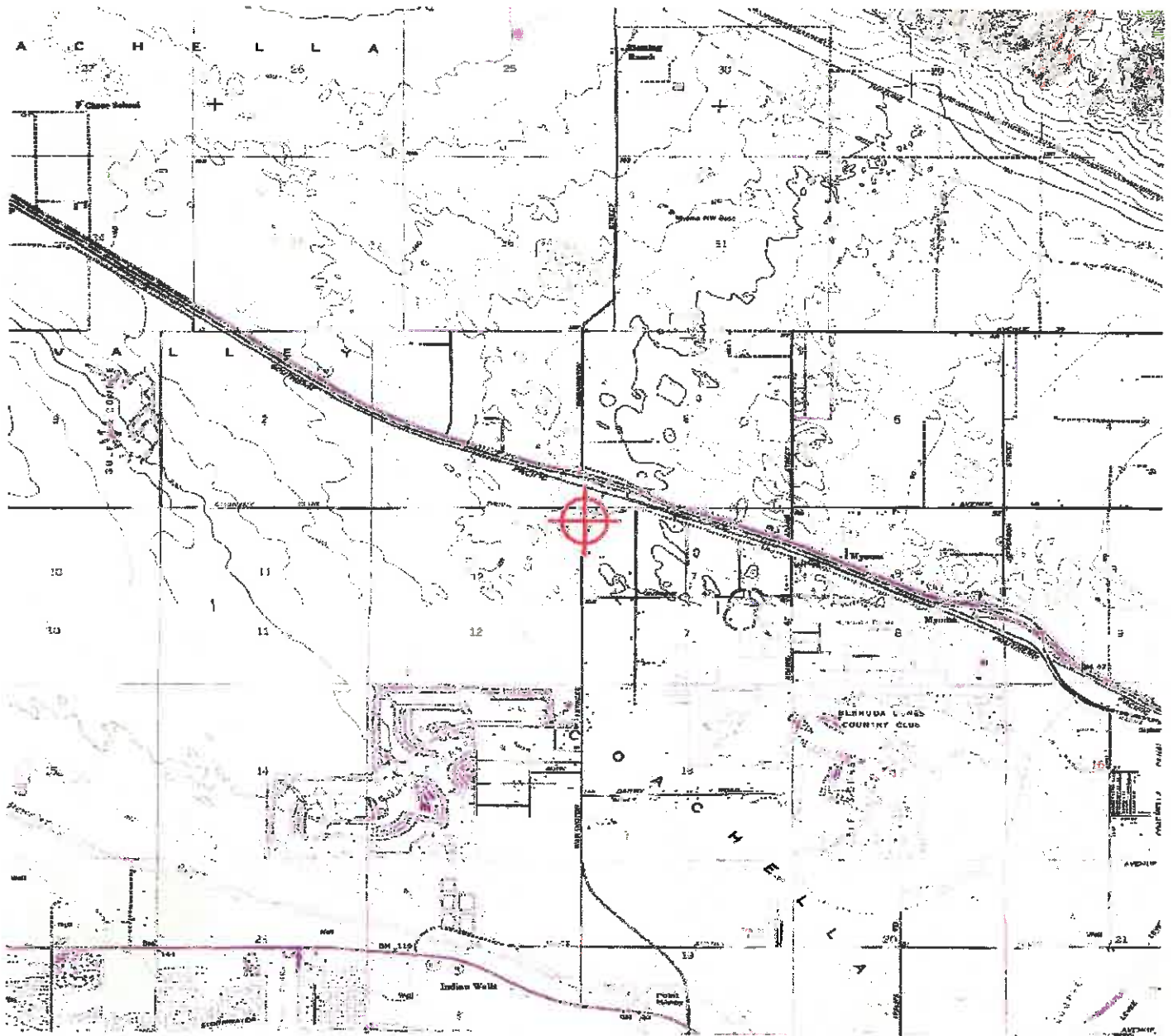
**SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

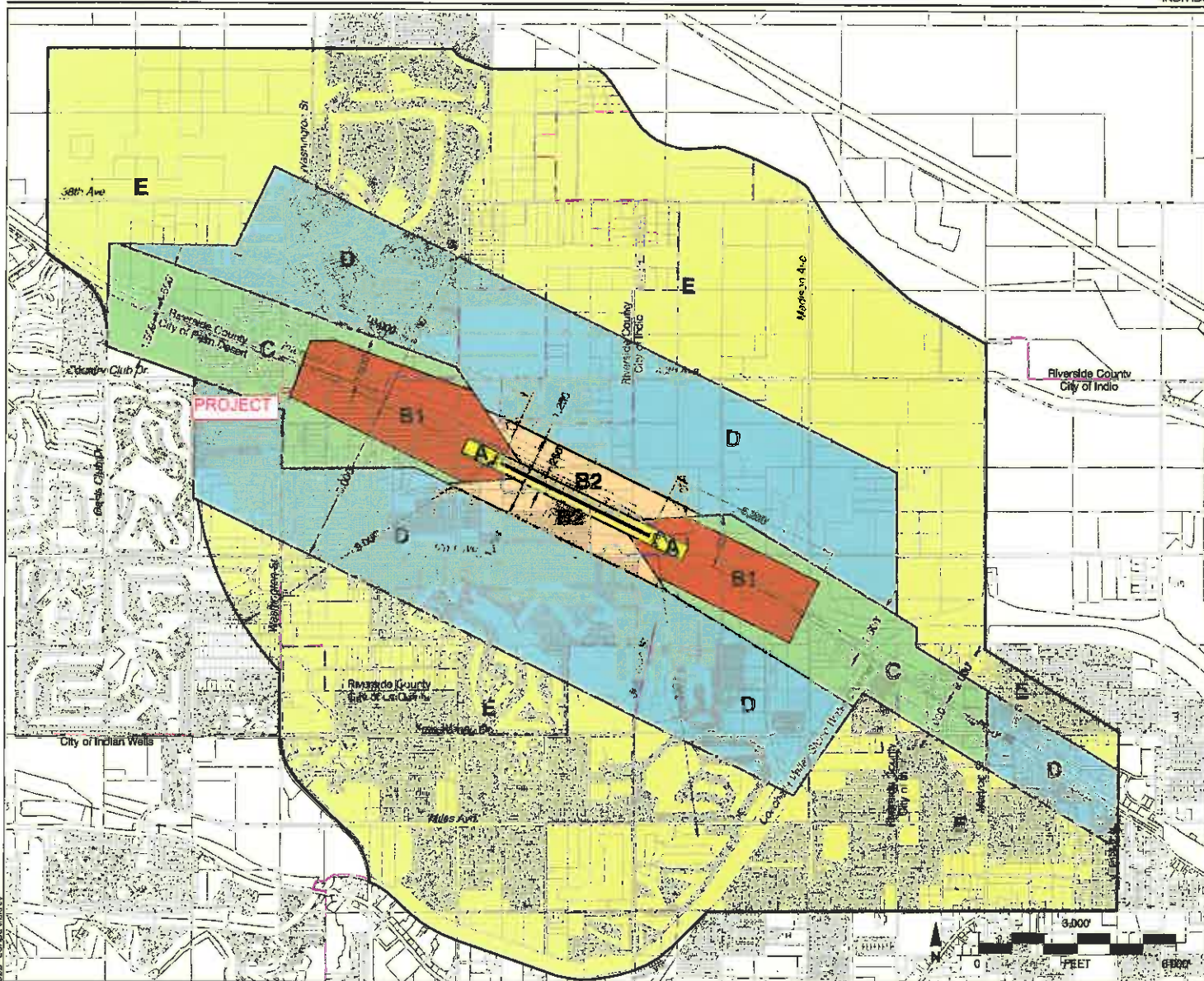
You must contact the FAA as specified above to request a Flight Data Center (FDC) Notice to Airman (NOTAM) in order to coordinate the following:

AT 203 AMSL, 1A Bermuda Dunes (UDD) Palm Springs, CA; RNAV (GPS) RWY 10, increase LNAV MDA from 480 to 520.

You must also contact the FAA as specified above when the temporary structure has been removed from the site to cancel the NOTAM(s). If it specifies above that you must contact the FAA via e-filing, please visit the instructions link at [oeaaa.faa.gov](https://www.faa.gov/e-filing) and review the NOTAM Efile Desk Reference Guide for assistance.

TOPO Map for ASN 2019-AWP-4373-OE





**Legend**

**Compatibility Zones**

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C
- Zone D
- Zone E

**Boundary Lines**

- Airport Property Line
- City Limits

**Note**

Southwestern edge of Airport Influence Area boundary measured from a point 200 feet beyond runway ends in accordance with FAA airspace protection criteria (FAR Part 77). All other dimensions measured from runway ends and centerlines.

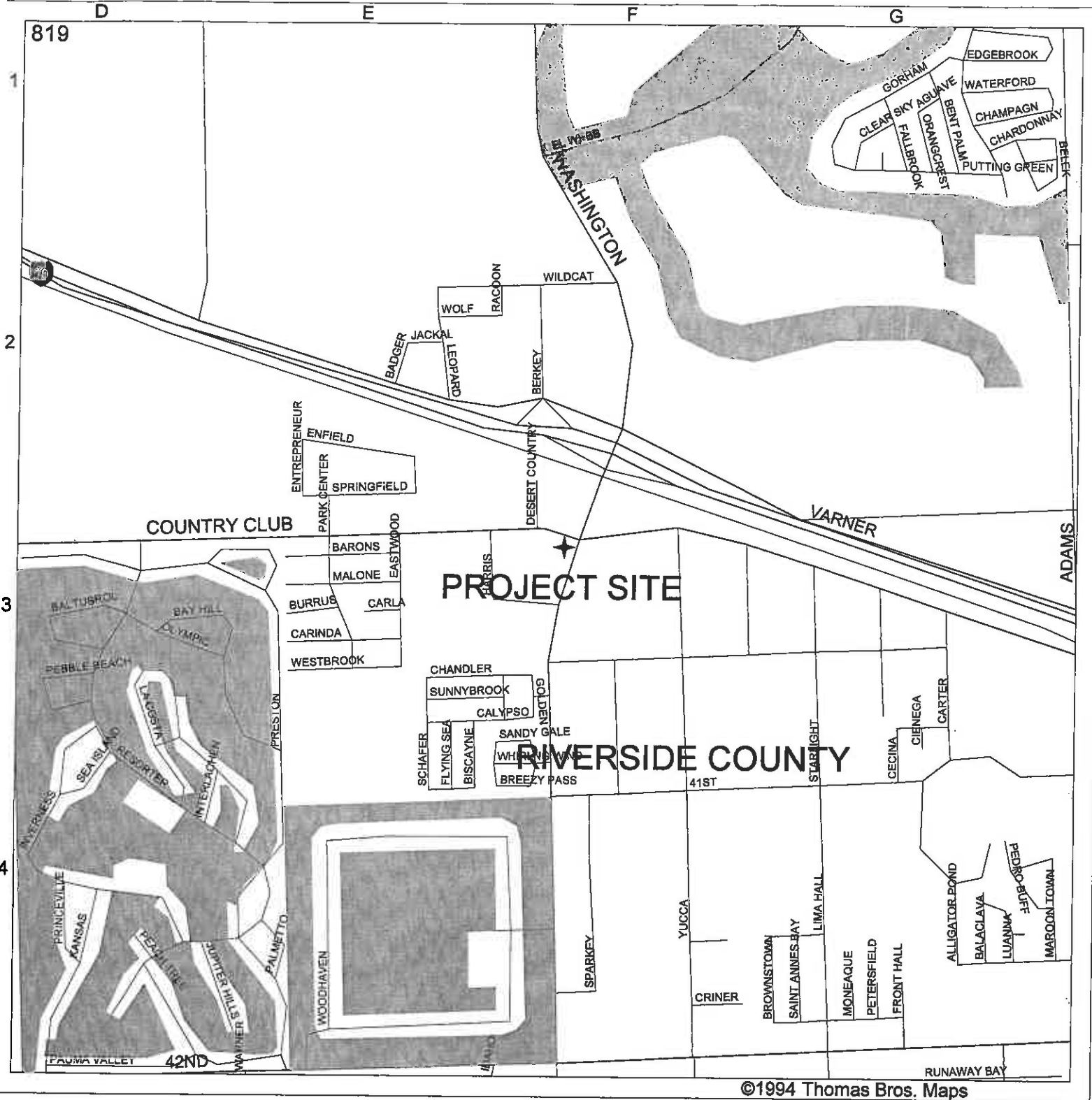
See Chapter 2, Table 2A for compatibility criteria associated with this map.

**Riverside County**  
**Airport Land Use Commission**  
**Riverside County**  
**Airport Land Use Compatibility Plan**  
**Policy Document**  
 (Adopted December 2004)

Map BD-1

**Compatibility Map**  
**Bermuda Dunes Airport**





©1994 Thomas Bros. Maps

**VICINITY MAP**

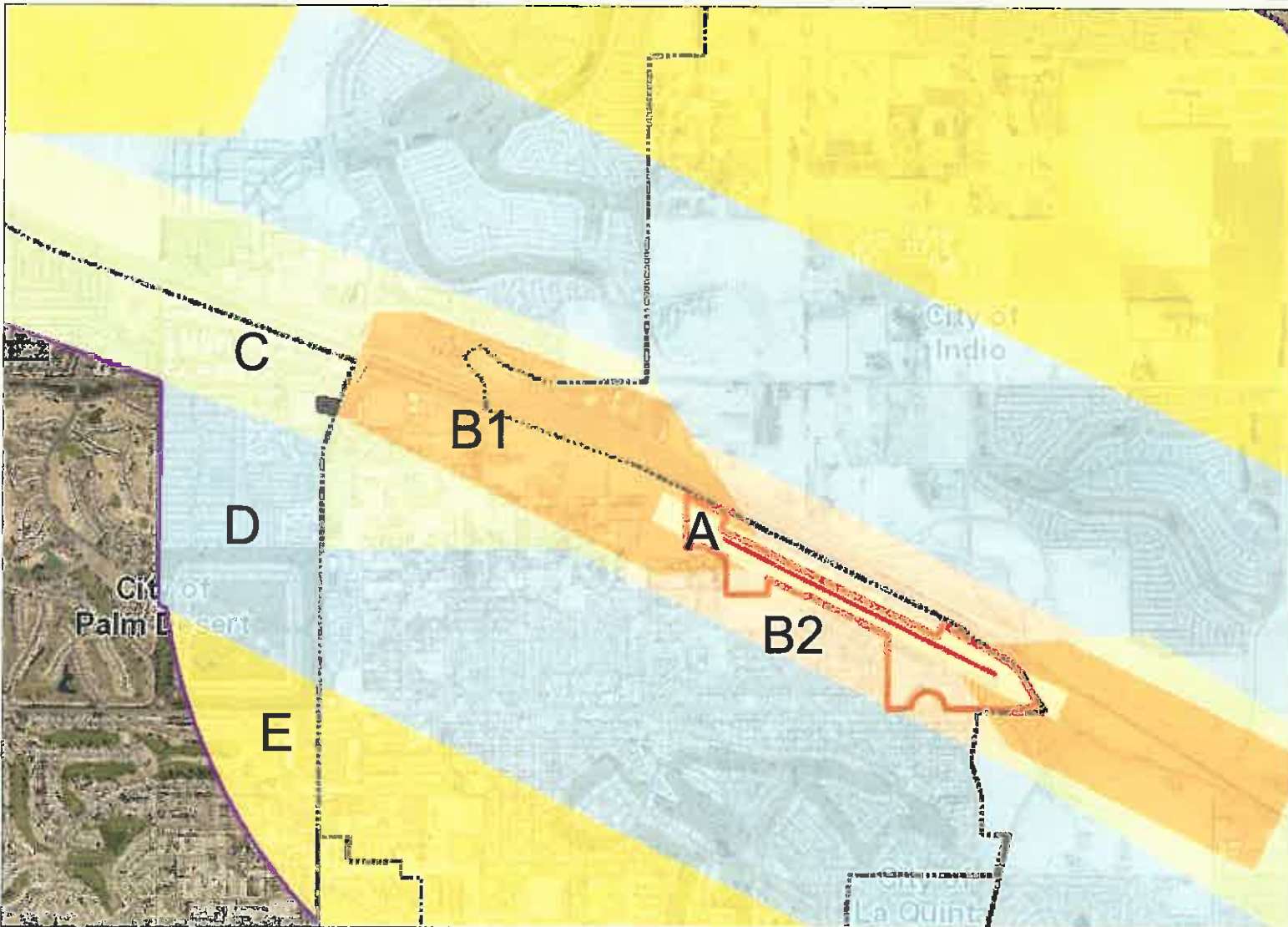
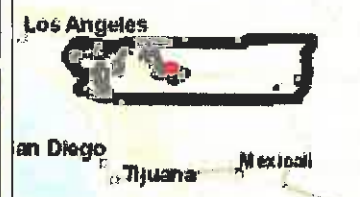
SITE : 78005 COUNTRY CLUB DRIVE - CSL02434

**GC MAPPING SERVICE, INC.**  
 3055 WEST VALLEY BOULEVARD  
 ALHAMBRA CA 91803  
 (626) 441-1080, FAX (626) 441-8850  
[GCMAPPING@RADIUSMAPS.COM](mailto:GCMAPPING@RADIUSMAPS.COM)





# Map My County Map



**Legend**

- Runways
- Airports
- Airport Influence Areas

**Airport Compatibility Zones**

- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



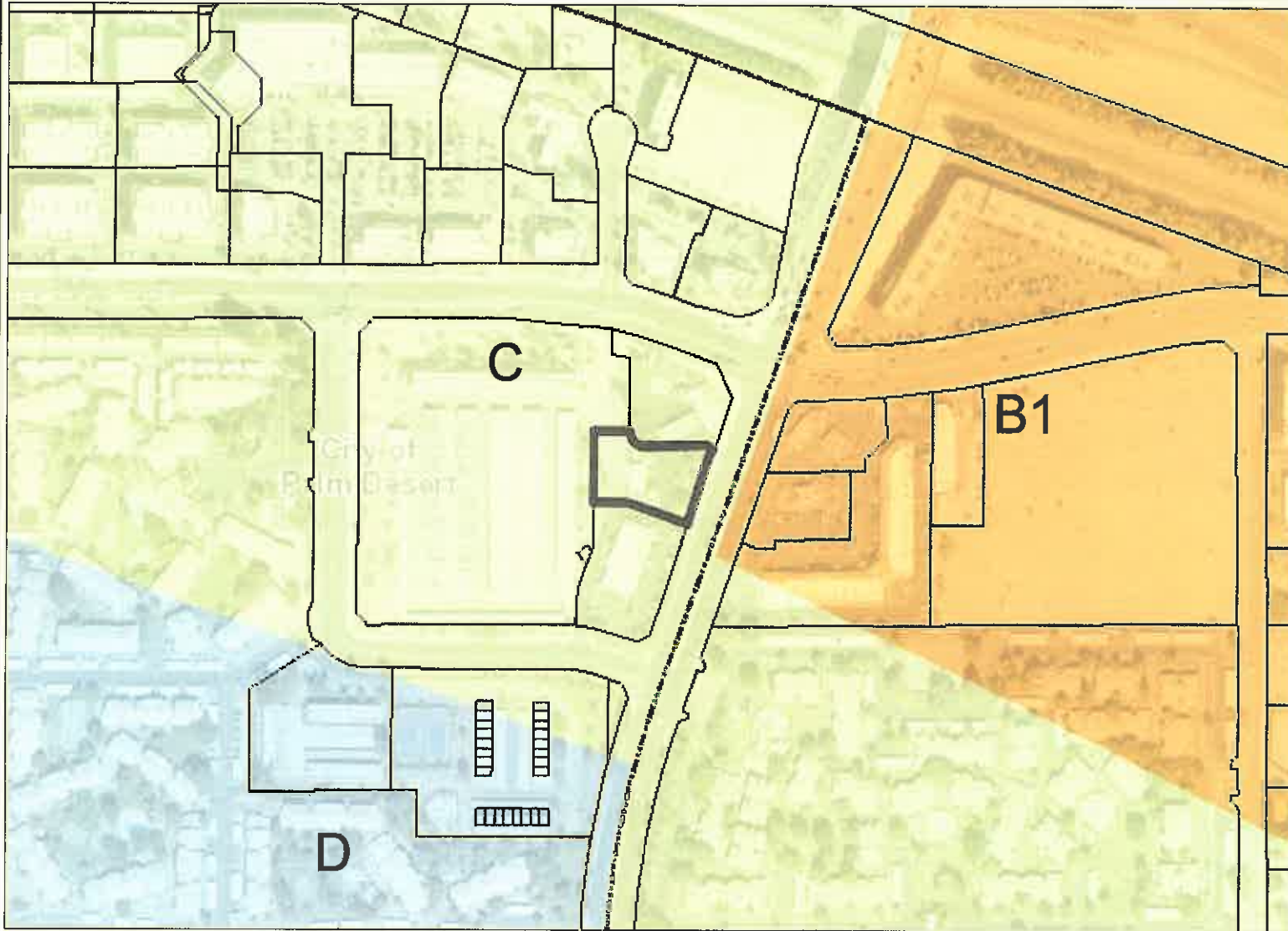

0 3 6,064 Feet

032

**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

**Notes**

# Map My County Map



- Legend**
- Parcels
  - Runways
  - Airports
  - Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
  - A
  - A-EXC1
  - B1
  - B1-APZ I
  - B1-APZ I-EXC1
  - B1-APZ II
  - B1-APZ II-EXC1
  - B1-EXC1
  - B2
  - B2-EXC1
  - C
  - C1
  - C1-EXC1
  - C1-EXC3
  - C1-EXC4
  - C1-HIGHT
  - C2
  - C2-EXC1
  - C2-EXC2
  - C2-EXC3
  - C2-EXC5



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0 379 758 Feet

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**Notes**



# Map My County Map



## Legend

- Blue Line Streams
- City Areas
- World Street Map



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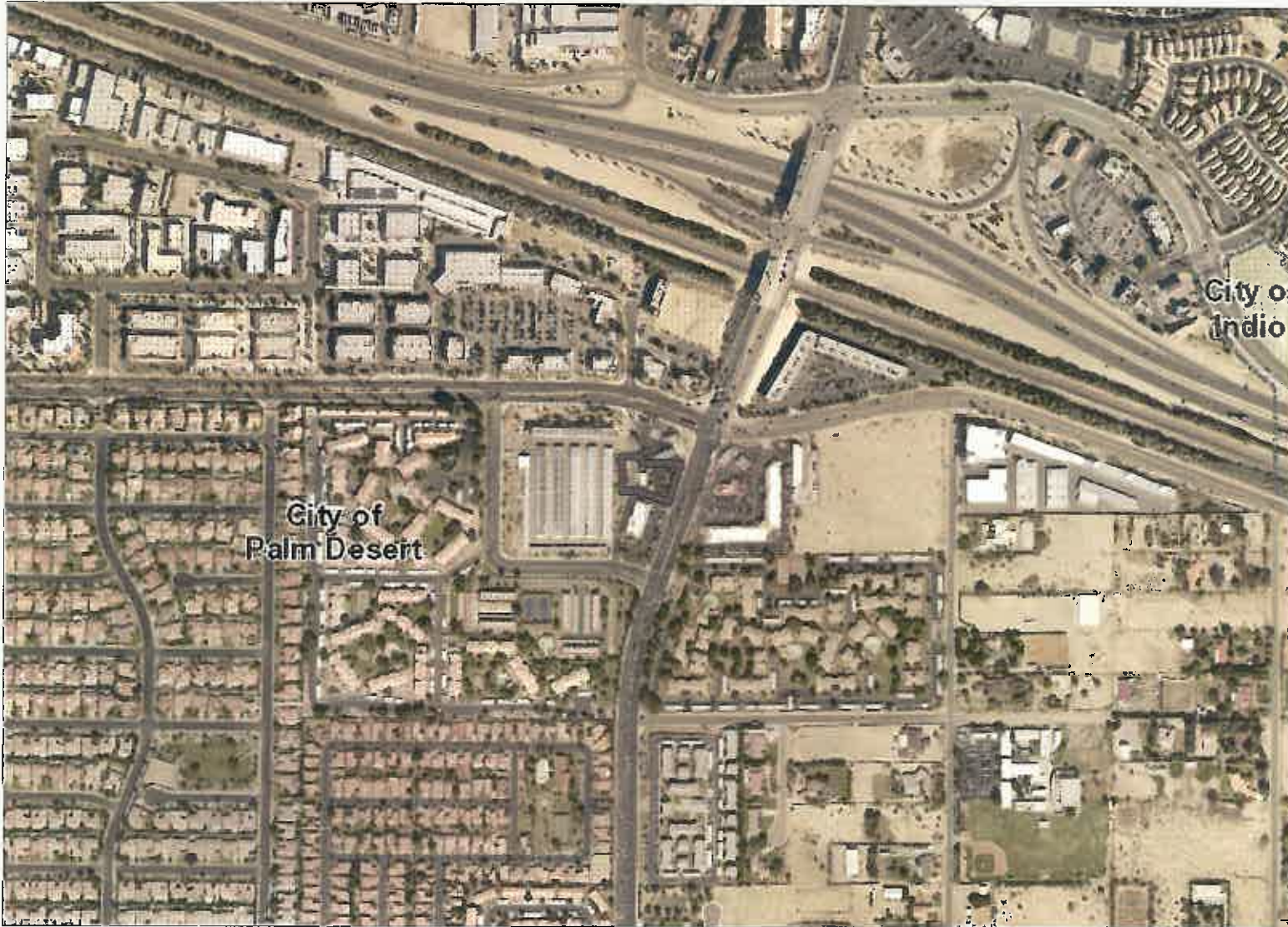
REPORT PRINTED ON... 3/28/2019 8:59:10 AM

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## Notes



# Map My County Map



## Legend

- Blueline Streams
- City Areas
- World Street Map



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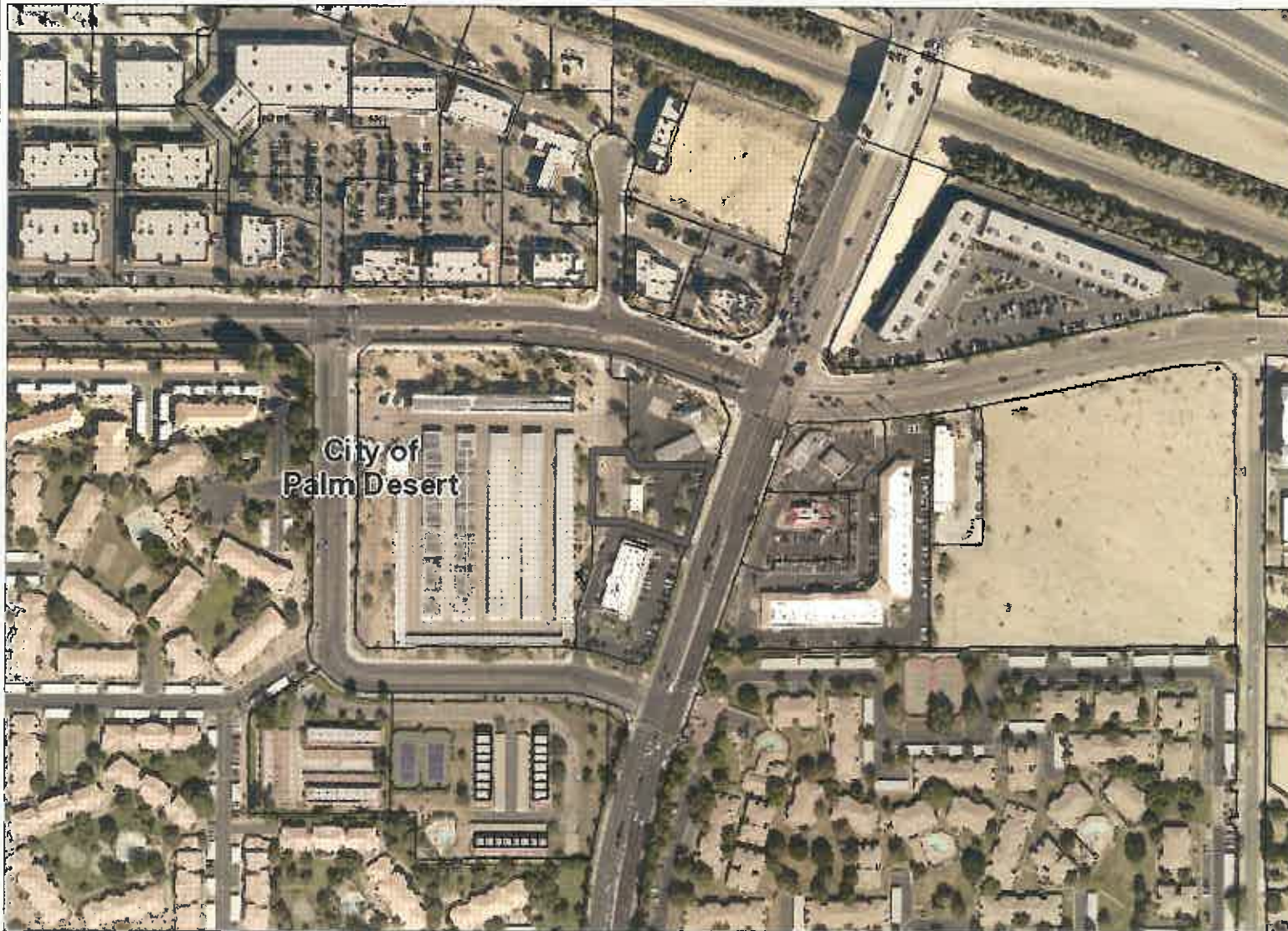
REPORT PRINTED ON... 3/28/2019 8:59:32 AM

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## Notes



# Map My County Map



### Legend

- Parcels
- Blueline Streams
- City Areas
- World Street Map

### Notes



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0 379 758 Feet

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© Riverside County GIS



# Map My County Map



### Legend

-  Parcels
-  Blueline Streams
-  City Areas
-  World Street Map

### Notes



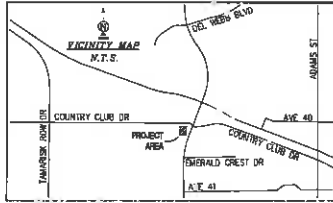
**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

0 189 379 Feet

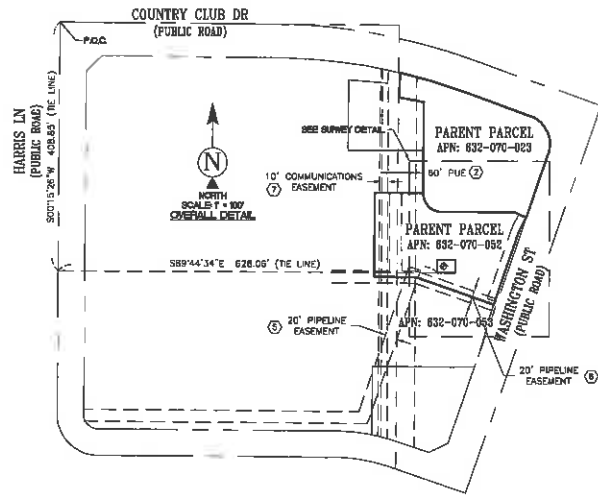
REPORT PRINTED ON... 3/28/2019 8:59:49 AM

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LINE#	LENGTH	DIRECTION
L1	22.00'	N00°00'00"E
L2	30.00'	N80°00'00"E
L3	22.00'	S00°00'00"E
L4	30.00'	N80°00'00"W
L5	7.28'	S00°00'00"E
L6	4.60'	S71°28'38"E



**SURVEY DATE**  
10/18/2018

**BASIS OF BEARING**

BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE SIX, DETERMINED BY GPS OBSERVATIONS.

**BENCHMARK**

PROJECT ELEVATIONS ESTABLISHED FROM GPS DERIVED ORTHOMETRIC HEIGHTS BY APPLICATION OF NGS '0601D 12B' MODELED SEPARATIONS TO ELLIPSOID HEIGHTS DETERMINED BY OBSERVATIONS OF THE 'CALNET' REAL TIME NETWORK. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD83.

**UTILITY NOTES**

SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE DEFINITE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT BLUE STAKE AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

**FLOOD\_ZONE**

THIS PROJECT APPEARS TO BE LOCATED WITHIN "OTHER AREAS ZONE X" ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY IN FLOODING RATE MAP NO. 06065C16200, 06/28/2008.

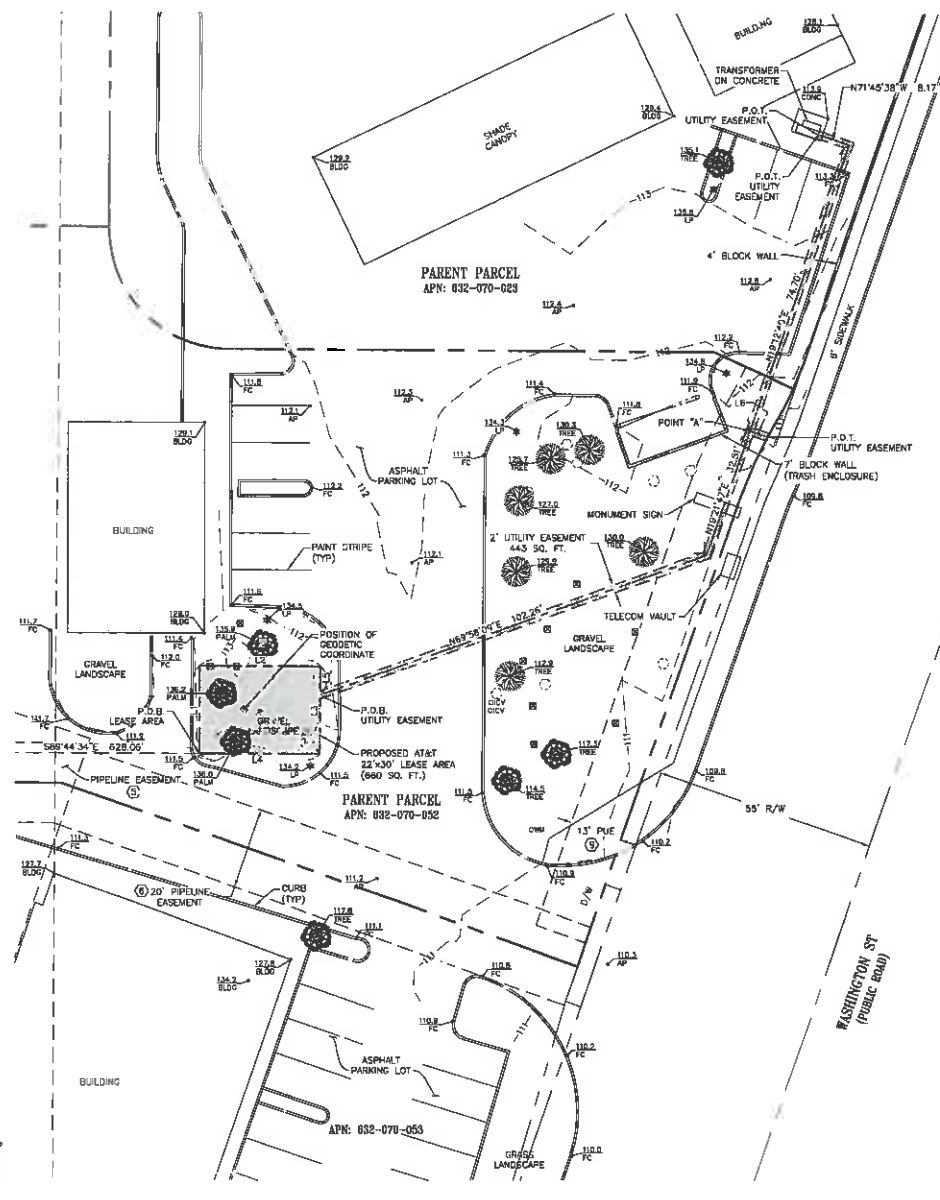
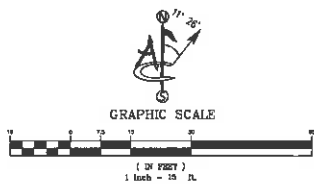
**SURVEYOR'S NOTES**

SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE ISSUED. THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.

ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES.

POSITION OF GEODETIC COORDINATE  
LATITUDE 33°49'29.57" (33.757103) NORTH (NAD83)  
LONGITUDE 116°18'12.64" (116.303511) WEST (NAD83)  
GROUND ELEVATION @ 112.6' (NAVD83)

LEGEND			
NG	NATURAL GROUND	AP	TOP OF ASPHALT
ICV	IRRIGATION CONTROL VALVE	LP	LIGHT POLE
WM	WATER METER	CONC	TOP OF CONCRETE
BLDG	TOP OF BUILDING	FC	FACE OF CURB
D/W	ACCESS DRIVEWAY	GR	GRAVEL
BUSH	BUSH	OT	DECIDUOUS TREE
PT	PALM TREE	PC	POSITION OF GEODETIC COORDINATE
SE	SPOT ELEVATION	---	SUBJECT PROPERTY LINE
		---	ADJACENT PROPERTY LINE
		---	MAJOR CONTOUR INTERVAL
		---	MINOR CONTOUR INTERVAL



1452 EDINGER AVENUE  
3RD FLOOR  
TUSTIN, CA 92780

410 E. SOUTHWEST AVE. TEMPE, AZ 85282  
PH. (480) 655-4072

10550 REAGAN ST. #482  
LOS ALAMITOS, CALIFORNIA 90720

REV	DATE	DESCRIPTION
1	02/14/2018	TITLE & DESIGN (00)
0	03/07/2018	UPDATE TOWER LOCATION (00)
A	11/07/2018	FINAL ISSUE (00)

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL SURVEYOR, TO ALTER THIS DOCUMENT.

CSL02434  
78005 COUNTRY CLUB DR  
PALM DESERT, CA 92211  
RIVERSIDE COUNTY

SHEET TITLE  
SITE SURVEY

SHEET NUMBER  
LS-1



**SCHEDULE "B" NOTE**

REFERENCE IS MADE TO THE TITLE REPORT ORDER #09200316-020-CMM-CAR, ISSUED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, DATED OCTOBER 19, 2018. ALL EASEMENTS CONTAINED WITHIN SAID TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

SCHEDULE "B" EXCEPTIONS 1, 4, AND 12 ARE NOT SURVEY MATTERS AND CANNOT BE PLOTTED.  
SCHEDULE "B" EXCEPTION 3 IS TERMINATED AND NO LONGER AFFECTS PARCEL.

- 2. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED IN A DOCUMENT:  
PURPOSE: PUBLIC UTILITIES AND PUBLIC SERVICE FACILITIES  
RECORDING DATE: APRIL 27, 1979  
RECORDING NO.: 85895, OF OFFICIAL RECORDS  
AFFECTS: A PORTION OF SAID LAND  
THE EFFECT OF A QUITCLAIM DEED TO WASHINGTON CENTER LIMITED  
RECORDING DATE: MAY 31, 1991  
RECORDING NO.: 91-10304, OF OFFICIAL RECORDS  
AS SHOWN ON SURVEY
- 5. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
GRANTED TO: COACHELLA VALLEY WATER DISTRICT  
PURPOSE: PIPELINES, AND RIGHTS INCIDENTAL THERETO  
RECORDING DATE: MARCH 3, 1988  
RECORDING NO.: 86-56368, OF OFFICIAL RECORDS  
AFFECTS: A PORTION OF SAID LAND  
A PORTION OF SAID EASEMENT HAS BEEN QUITCLAIMED BY DOCUMENT  
RECORDING DATE: MAY 19, 1988  
RECORDING NO.: 98-198772, OF OFFICIAL RECORDS  
AS SHOWN ON SURVEY
- 8. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
GRANTED TO: COACHELLA VALLEY WATER DISTRICT  
PURPOSE: EASEMENT, AND RIGHTS INCIDENTAL THERETO  
RECORDING DATE: MARCH 4, 1988  
RECORDING NO.: 86-57898, OF OFFICIAL RECORDS  
AFFECTS: A PORTION OF SAID LAND  
A PORTION OF SAID EASEMENT HAS BEEN QUITCLAIMED BY DOCUMENT  
RECORDING DATE: MAY 19, 1988  
RECORDING NO.: 98-198772, OF OFFICIAL RECORDS  
AS SHOWN ON SURVEY
- 7. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
GRANTED TO: GENERAL TELEPHONE COMPANY OF CALIFORNIA  
PURPOSE: EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES, AND RIGHTS INCIDENTAL THERETO  
RECORDING DATE: JULY 31, 1958  
RECORDING NO.: 88-203334, OF OFFICIAL RECORDS  
AFFECTS: A PORTION OF SAID LAND  
AS SHOWN ON SURVEY
- 8. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
GRANTED TO: OTE CALIFORNIA INCORPORATED, A CORPORATION  
PURPOSE: POLE LINES, AND RIGHTS INCIDENTAL THERETO  
RECORDING DATE: DECEMBER 5, 1988  
RECORDING NO.: 98-334227, OF OFFICIAL RECORDS  
AFFECTS: A PORTION OF SAID LAND  
AS SHOWN ON SURVEY
- 9. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY  
PURPOSE: EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES, AND RIGHTS INCIDENTAL THERETO  
RECORDING DATE: FEBRUARY 2, 1959  
RECORDING NO.: 89-34847, OF OFFICIAL RECORDS  
AFFECTS: A PORTION OF SAID LAND  
AS SHOWN ON SURVEY
- 10. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY  
PURPOSE: EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES, AND RIGHTS INCIDENTAL THERETO  
RECORDING DATE: MAY 18, 1989  
RECORDING NO.: 89-181731, OF OFFICIAL RECORDS  
AFFECTS: A PORTION OF SAID LAND  
DOES NOT AFFECT PARENT PARCEL - NOT SHOWN
- 11. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED:  
DATED: JULY 31, 2000  
ENDORSED BY: FORTMOST AIRPORT VEGAS LTD., A CALIFORNIA LIMITED PARTNERSHIP AND MOBILE DR. CORPORATION, A NEW JERSEY CORPORATION  
RECORDING DATE: AUGUST 2, 2000  
RECORDING NO.: 2000-248241, OF OFFICIAL RECORDS  
REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS.  
NOT PLOTTABLE
- 13. COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, CITIZENSHIP, IMMIGRATION STATUS, PRIMARY LANGUAGE, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT  
RECORDING DATE: NOVEMBER 01, 2011  
RECORDING NO.: 2011-482802, OF OFFICIAL RECORDS  
NOT PLOTTABLE

**LESSOR'S LEGAL DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

**PARCEL A:**

PARCEL(S) 1 OF PARCEL MAP NO. 20316, IN THE CITY OF PALM DESERT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 148 PAGES 13 TO 16, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

**PARCEL B:**

THOSE PORTIONS OF PARCELS 2 AND 5 OF PARCEL MAP NO. 20316, IN THE CITY OF PALM DESERT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 148 PAGES 13 TO 16, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTLY CORNER OF SAID PARCEL 2 OF SAID PARCEL MAP, SAID POINT BEING ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 88.00 FEET, A RADIAL LINE AT SAID POINT BEARS NORTH 89° 20' 47" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND ALONG THE WESTERLY LINE OF LOT 4 OF SAID PARCEL MAP THROUGH A CENTRAL ANGLE OF 08° 58' 31" AN ARC DISTANCE OF 9.13 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 112.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11° 28' 42" AN ARC DISTANCE OF 22.44 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE OF LOT 4 SOUTH 19° 07' 02" WEST 121.01 FEET; THENCE NORTH 70° 52' 58" WEST 136.29 FEET; THENCE NORTH 89° 23' 34" WEST 89.16 FEET; THENCE NORTH 00° 15' 28" EAST 137.87 FEET; THENCE SOUTH 89° 44' 34" EAST 80.00 FEET TO AN EAST LINE OF PARCEL 5, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY HAVING A RADIUS OF 30.00 FEET, A RADIAL AT SAID POINT BEARS SOUTH 89° 44' 34" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC DISTANCE OF 47.12 FEET; THENCE SOUTH 89° 44' 34" EAST ALONG THE NORTH LINE OF SAID PARCEL 2 A DISTANCE OF 121.00 FEET; THENCE SOUTH 65° 20' 47" EAST 21.70 FEET TO THE POINT OF BEGINNING.

SAID LEGAL IS SHOWN AS LOT 4 OF THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. 87-12 RECORDED JUNE 20, 1997, INSTRUMENT NO. 87-218155, OF OFFICIAL RECORDS.

**LEASE AREA LEGAL DESCRIPTION**

ALL THAT PORTION OF PARCELS 2 OF PARCEL MAP NO. 20316, IN THE CITY OF PALM DESERT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 148 PAGES 13 TO 16, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE APPARENT CENTERLINE INTERSECTION OF COUNTRY CLUB DRIVE AND HARRIS LANE AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE CENTERLINE OF SAID HARRIS LANE, SOUTH 00° 15' 28" WEST, 408.85 FEET;  
THENCE DEPARTING SAID CENTERLINE, SOUTH 89° 44' 34" EAST, 828.08 FEET TO THE POINT OF BEGINNING;

THENCE NORTH, 22.00 FEET;  
THENCE EAST, 30.00 FEET;  
THENCE SOUTH, 22.00 FEET;  
THENCE WEST, 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 660 SQUARE FEET (0.015 ACRES) OF LAND, MORE OR LESS.

**ACCESS NOTE**

RESERVING NONEXCLUSIVE RIGHT OF USE ACROSS LESSOR'S PROPERTY FOR NECESSARY APPURTENANCES TO CONSTRUCT, OPERATE, AND MAINTAIN A COMMUNICATION FACILITY FOR ITEMS SUCH AS, BUT NOT LIMITED TO INGRESS, EGRESS, PARKING, VEHICULAR MANEUVERING, EQUIPMENT, AND UTILITIES.

**UTILITY EASEMENT LEGAL DESCRIPTION**

ALL THAT PORTION OF PARCELS 2 OF PARCEL MAP NO. 20316, IN THE CITY OF PALM DESERT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 148 PAGES 13 TO 16, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING A 2.00 FOOT WIDE STRIP, LYING 1.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE APPARENT CENTERLINE INTERSECTION OF COUNTRY CLUB DRIVE AND HARRIS LANE AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE CENTERLINE OF SAID HARRIS LANE, SOUTH 00° 15' 28" WEST, 408.85 FEET;  
THENCE DEPARTING SAID CENTERLINE, SOUTH 89° 44' 34" EAST, 828.08 FEET;  
THENCE NORTH, 22.00 FEET;  
THENCE EAST, 30.00 FEET;  
THENCE SOUTH, 7.28 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89° 58' 08" EAST, 102.26 FEET;  
THENCE NORTH 19° 21' 42" EAST, 32.51 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";  
THENCE NORTH 15° 12' 40" EAST, 74.70 FEET;  
THENCE NORTH 71° 45' 38" WEST, 8.17 FEET TO THE POINT OF TERMINUS;

AND BEGINNING AT AFOREMENTIONED POINT "A";

THENCE SOUTH 71° 28' 38" EAST, 4.80 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF WASHINGTON STREET AND THE POINT OF TERMINUS;

THE SIDELINES OF SAID STRIP ARE TO INTERSECT AT ALL ANGLE POINTS, TO PROVIDE THE SPECIFIED WIDTH THROUGHOUT AND ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID RIGHT OF WAY.

CONTAINING 443 SQUARE FEET (0.010 ACRES) OF LAND, MORE OR LESS.



1432 EDINGER AVENUE  
3RD FLOOR  
TUSTIN, CA 92780



ambit consulting  
410 E. SOUTHERN AVE. TUCSON, AZ 85722  
PH. (480) 658-4072



10550 REAGAN ST. #402  
LOS ALAMITOS, CALIFORNIA 90720

REV	DATE	DESCRIPTION
1	03/14/2018	TITLE & DESIGN (DW)
0	03/07/2018	UPDATE TOWER LOCATION (DW)
A	11/07/2018	INITIAL ISSUE (LO)



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL LAWYER, TO ALTER THIS DOCUMENT.

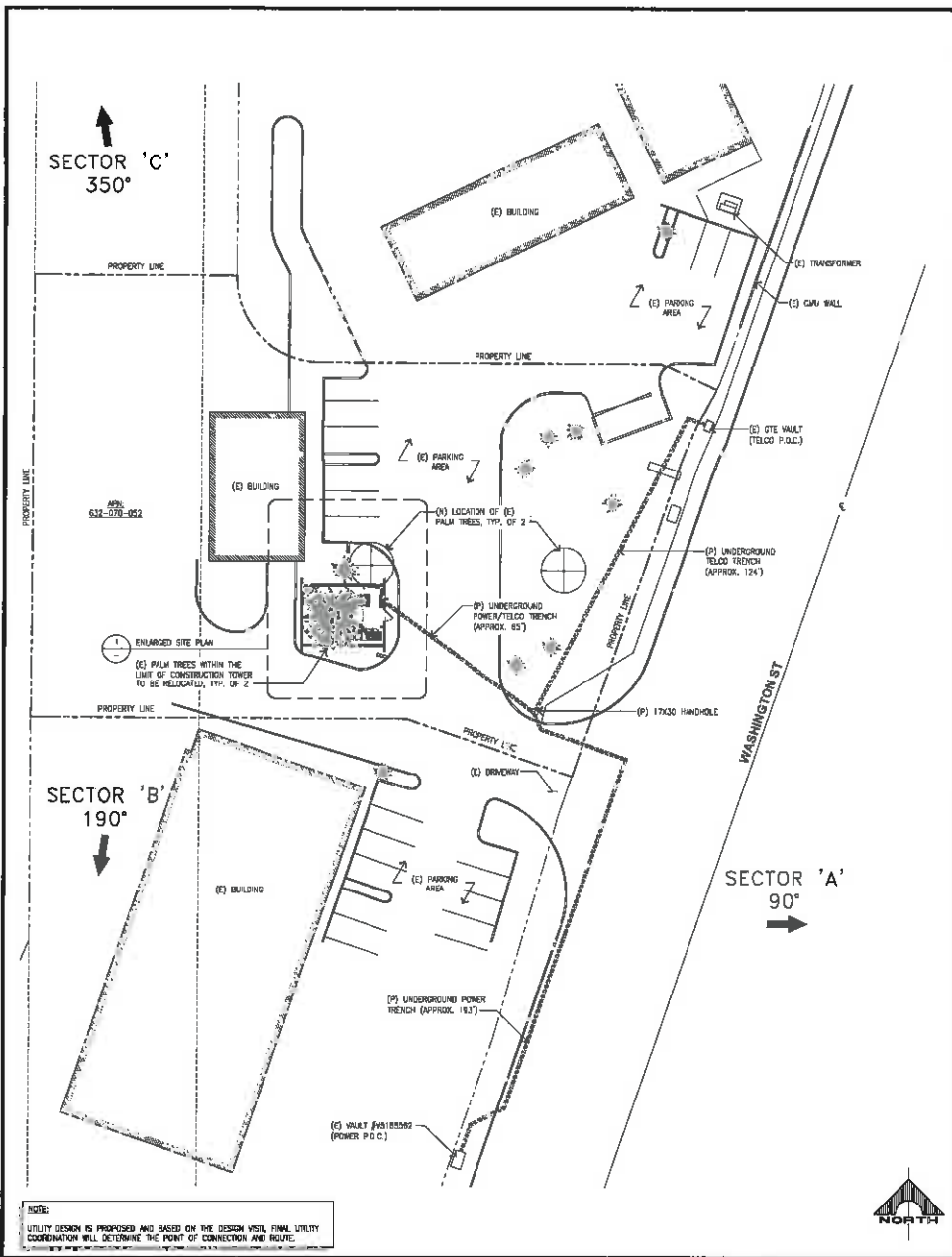
CSL02434

78005 COUNTRY CLUB DR  
PALM DESERT, CA 92211  
RIVERSIDE COUNTY

SHEET TITLE  
SITE SURVEY

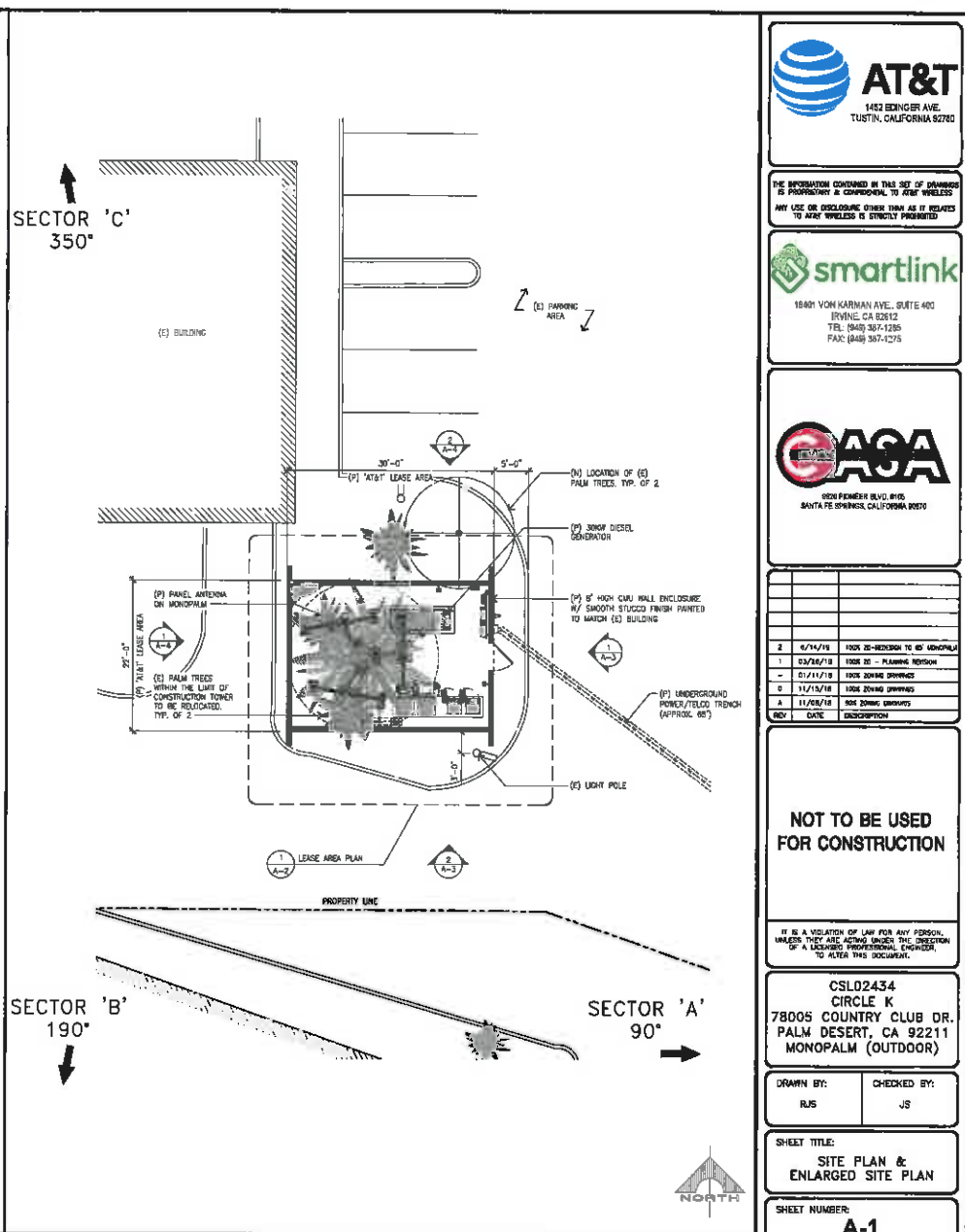
SHEET NUMBER

LS-2



**SITE PLAN**

SCALE: 1"=20'-0" 2



**ENLARGED SITE PLAN**

SCALE: 1/8"=1'-0" 1

**AT&T**  
1482 BEECHER AVE.  
TUSTIN, CALIFORNIA 92780

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**smartlink**  
18401 VON KARMAN AVE., SUITE 400  
IRVINE, CA 92614  
TEL: (949) 367-1286  
FAX: (949) 367-1275

**CASA**  
1800 KARMAN BLVD. #100  
SANTA FE SPRING, CALIFORNIA 92701

REV	DATE	DESCRIPTION
2	6/14/18	ISSUE 25-REVISION TO 68 MONOPALM
1	5/24/18	ISSUE 24 - PLANNING REVISION
0	2/11/18	ISSUE 20-18 SHOWN
0	11/15/18	ISSUE 20-18 SHOWN
0	11/08/18	ISSUE 20-18 SHOWN
REV	DATE	DESCRIPTION

**NOT TO BE USED FOR CONSTRUCTION**

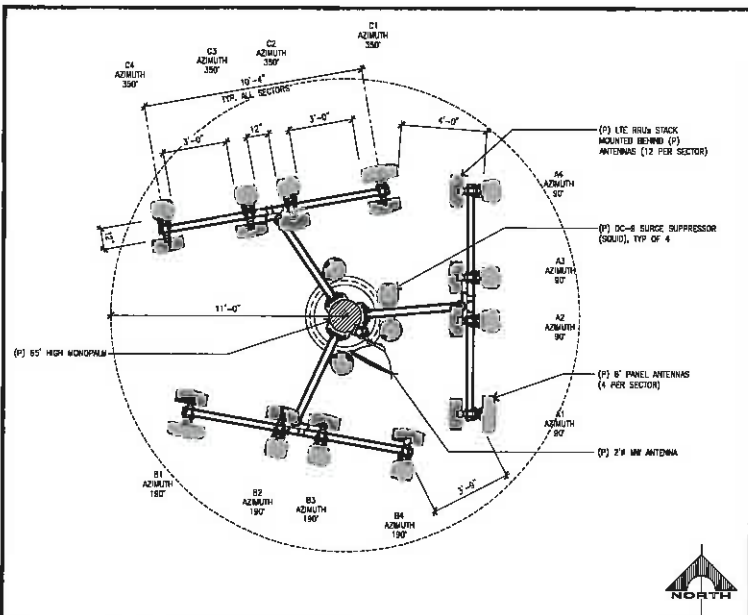
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

CSLD2434  
CIRCLE K  
78005 COUNTRY CLUB DR.  
PALM DESERT, CA 92211  
MONOPALM (OUTDOOR)

DRAWN BY: RJS  
CHECKED BY: JS

SHEET TITLE:  
SITE PLAN & ENLARGED SITE PLAN

SHEET NUMBER:  
A-1



ANTENNA PLAN

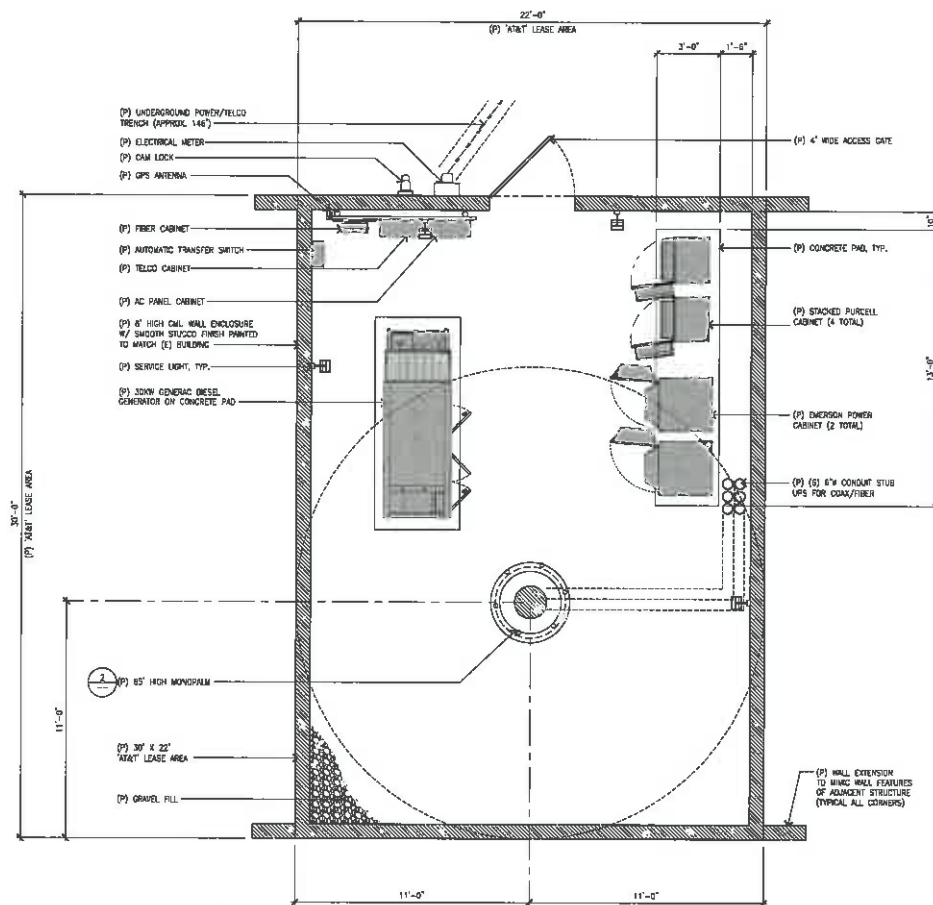
SCALE: 3/8"=1'-0" 2

PROPOSED ANTENNA AND TRANSMISSION CABLE REQUIREMENTS						
SECTOR	SECTOR TECHNOLOGY	ANTENNA AIR HOZ/PANEL ANTENNA	SIZES (L, W, H)	ANTENNA AZIMUTH	RRU CENTER	TRANSMISSION LINES (LENGTH FT +/-)
						COAXIAL
ALPHA SECTOR	A1	L1C	8"	8"	58'-0"	<12'
	A2	L1C	8"	8"	58'-0"	<12'
	A3	L1C	8"	8"	58'-0"	<12'
	A4	L1C	8"	8"	58'-0"	<12'
BETA SECTOR	B1	L1C	8"	190'	58'-0"	<12'
	B2	L1C	8"	190'	58'-0"	<12'
	B3	L1C	8"	190'	58'-0"	<12'
	B4	L1C	8"	190'	58'-0"	<12'
GAMMA SECTOR	G1	L1C	8"	350'	58'-0"	<12'
	G2	L1C	8"	350'	58'-0"	<12'
	G3	L1C	8"	350'	58'-0"	<12'
	G4	L1C	8"	350'	58'-0"	<12'

REQUIRED RRU LEASE SCHEDULE					
SECTOR	RRU UP OR DOWN	RRU COUNT	RRU LOCATION (DISTANCE FROM ANTENNA)	MINIMUM CLEARANCES ABOVE BELOW SIZES	
ALPHA SECTOR	A1	UP	3	<12'	18" 8" 8"
	A2	UP	3	<12'	18" 8" 8"
	A3	UP	3	<12'	18" 8" 8"
	A4	UP	3	<12'	18" 8" 8"
BETA SECTOR	B1	UP	3	<12'	18" 8" 8"
	B2	UP	3	<12'	18" 8" 8"
	B3	UP	3	<12'	18" 8" 8"
	B4	UP	3	<12'	18" 8" 8"
GAMMA SECTOR	G1	UP	3	<12'	18" 8" 8"
	G2	UP	3	<12'	18" 8" 8"
	G3	UP	3	<12'	18" 8" 8"
	G4	UP	3	<12'	18" 8" 8"

ANTENNA AND RRU SCHEDULE

3 LEASE AREA PLAN



SCALE: 3/8"=1'-0" 1



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REV	DATE	DESCRIPTION
2	8/14/19	100% CD-REVISION TO 05' MONOPOL
1	03/28/19	100% CD - PLANNING SCHEM
-	01/31/19	100% ZONING COMPLIANT
0	11/15/18	100% ZONING COMPLIANT
A	11/06/18	100% ZONING COMPLIANT

**NOT TO BE USED FOR CONSTRUCTION**

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CSL02434  
CIRCLE K  
78005 COUNTRY CLUB DR.  
PALM DESERT, CA 92211  
MONOPALM (OUTDOOR)

DRAWN BY: RUS  
CHECKED BY: JS

SHEET TITLE:  
LEASE AREA/ANTENNA PLAN AND ANTENNA/RRU SCHEDULE

SHEET NUMBER:  
A-2



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REV	DATE	DESCRIPTION
2	6/14/19	ISSUE 20-REVISION TO 65' MONOPALM
1	03/22/19	ISSUE 20 - PLANNING REVISION
-	03/11/18	ISSUE 20-000-0000
0	11/15/18	ISSUE 20-000-0000
A	11/08/18	ISSUE 20-000-0000

**NOT TO BE USED FOR CONSTRUCTION**

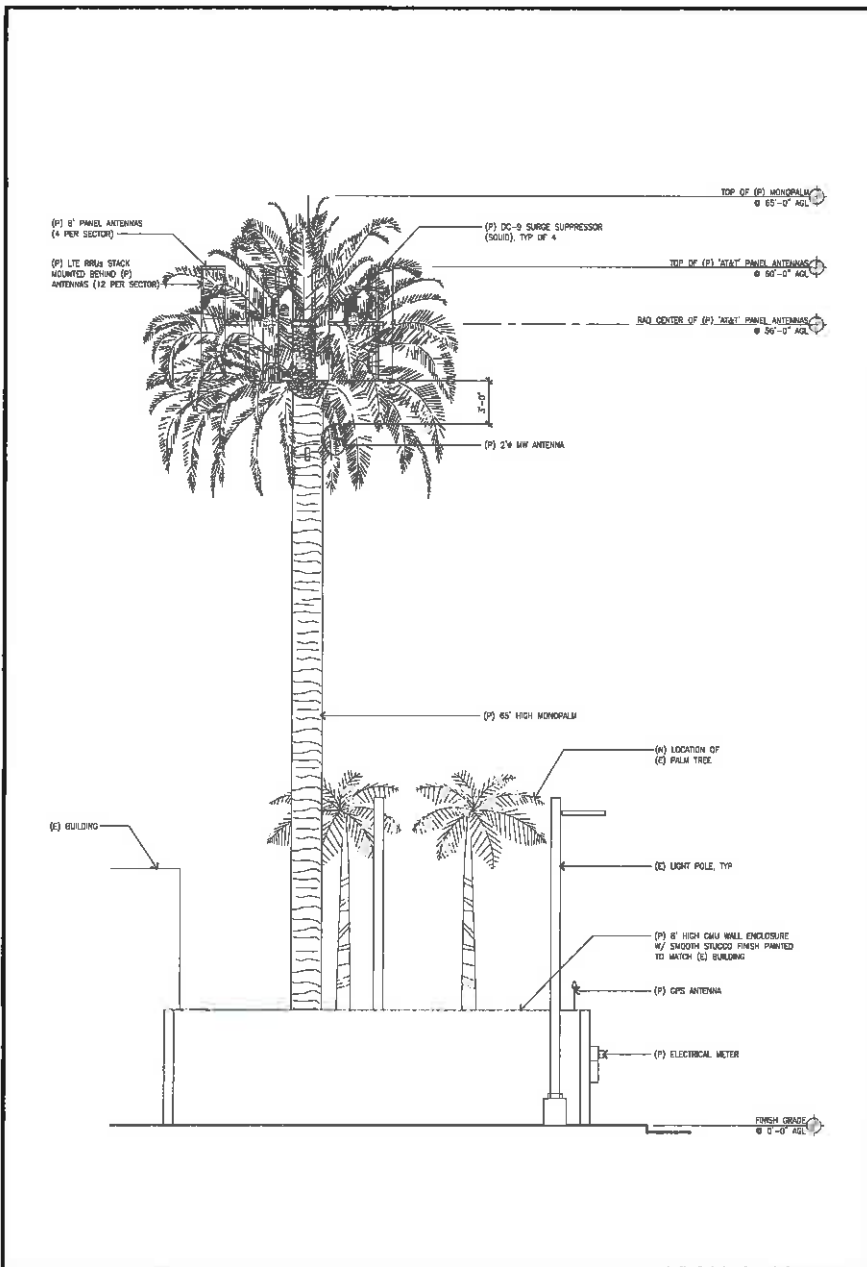
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

CSLD2434  
 CIRCLE K  
 78005 COUNTRY CLUB DR.  
 PALM DESERT, CA 92211  
 MONOPALM (OUTDOOR)

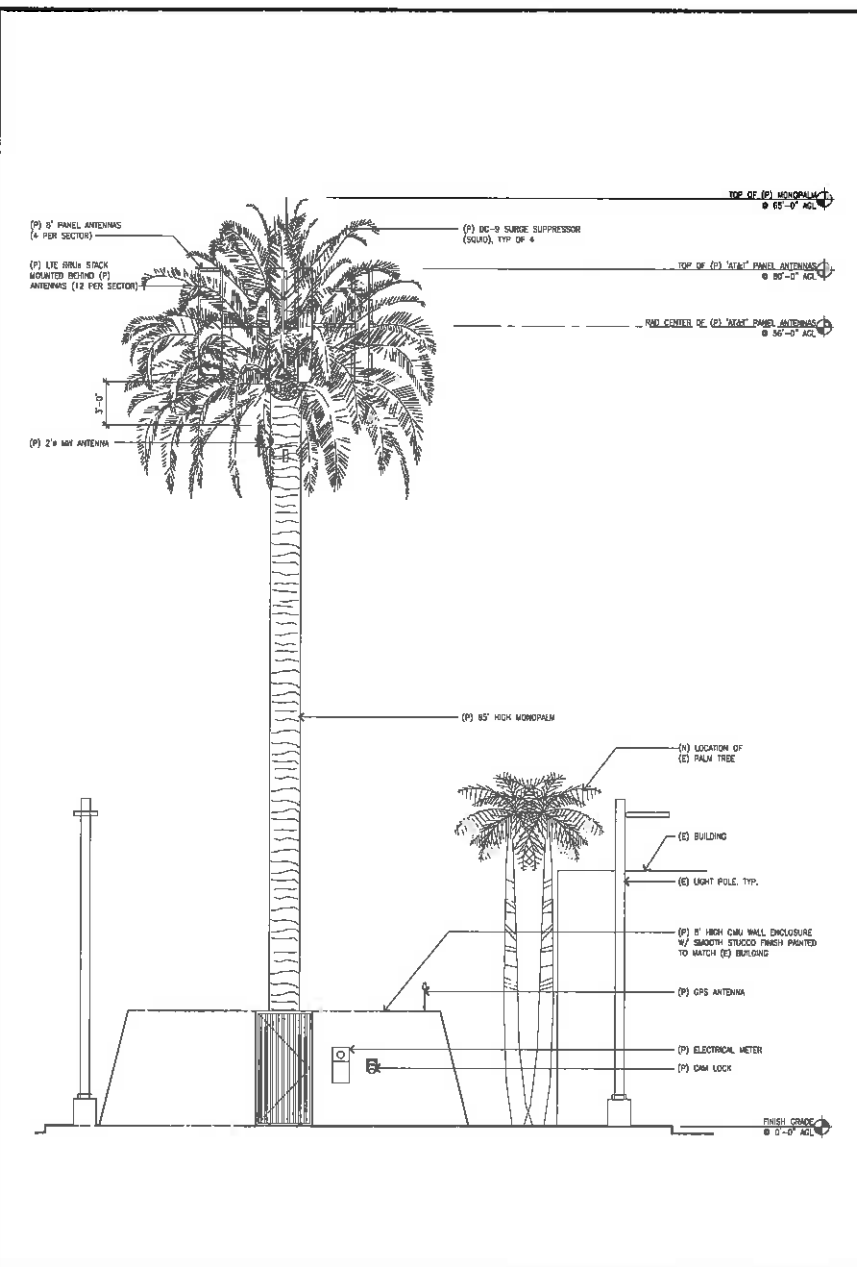
DRAWN BY: RJS  
 CHECKED BY: JS

SHEET TITLE:  
 ELEVATIONS

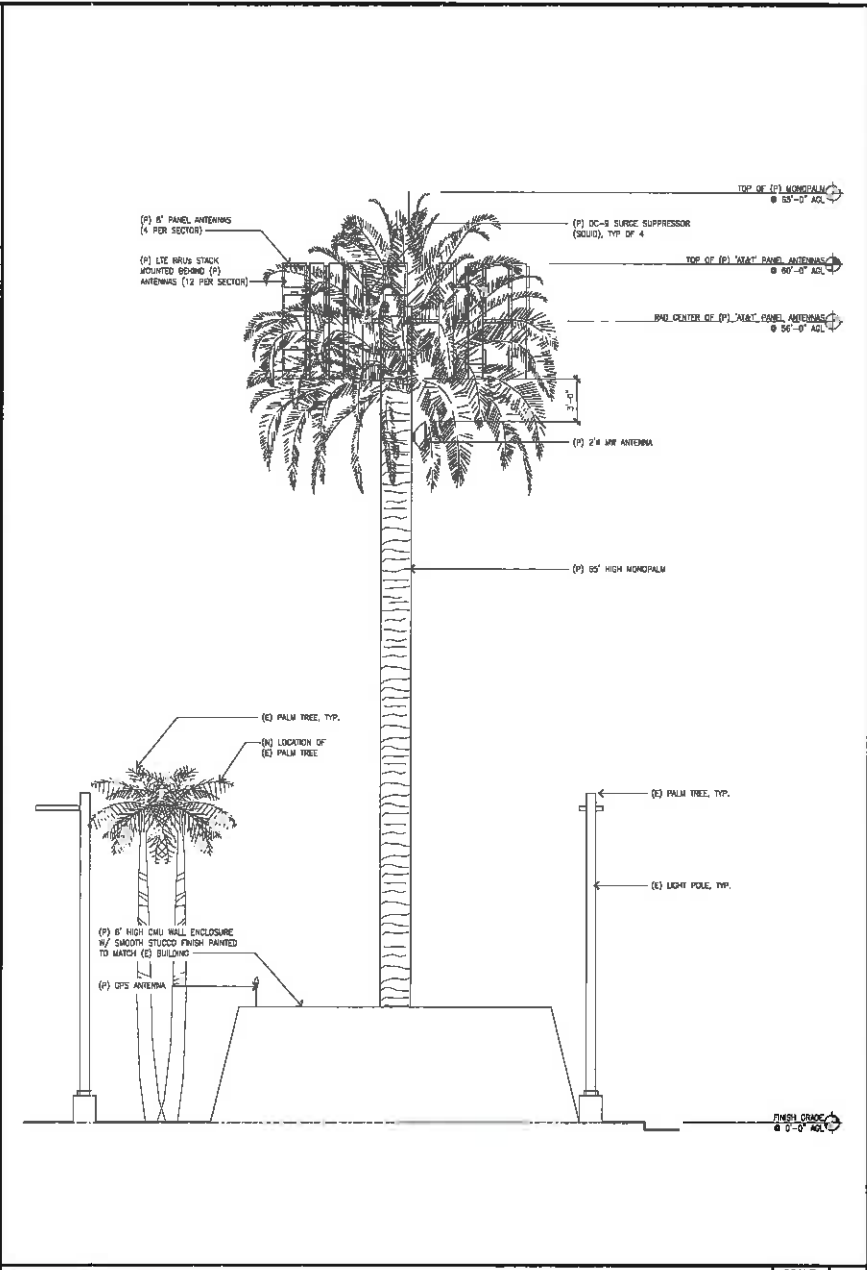
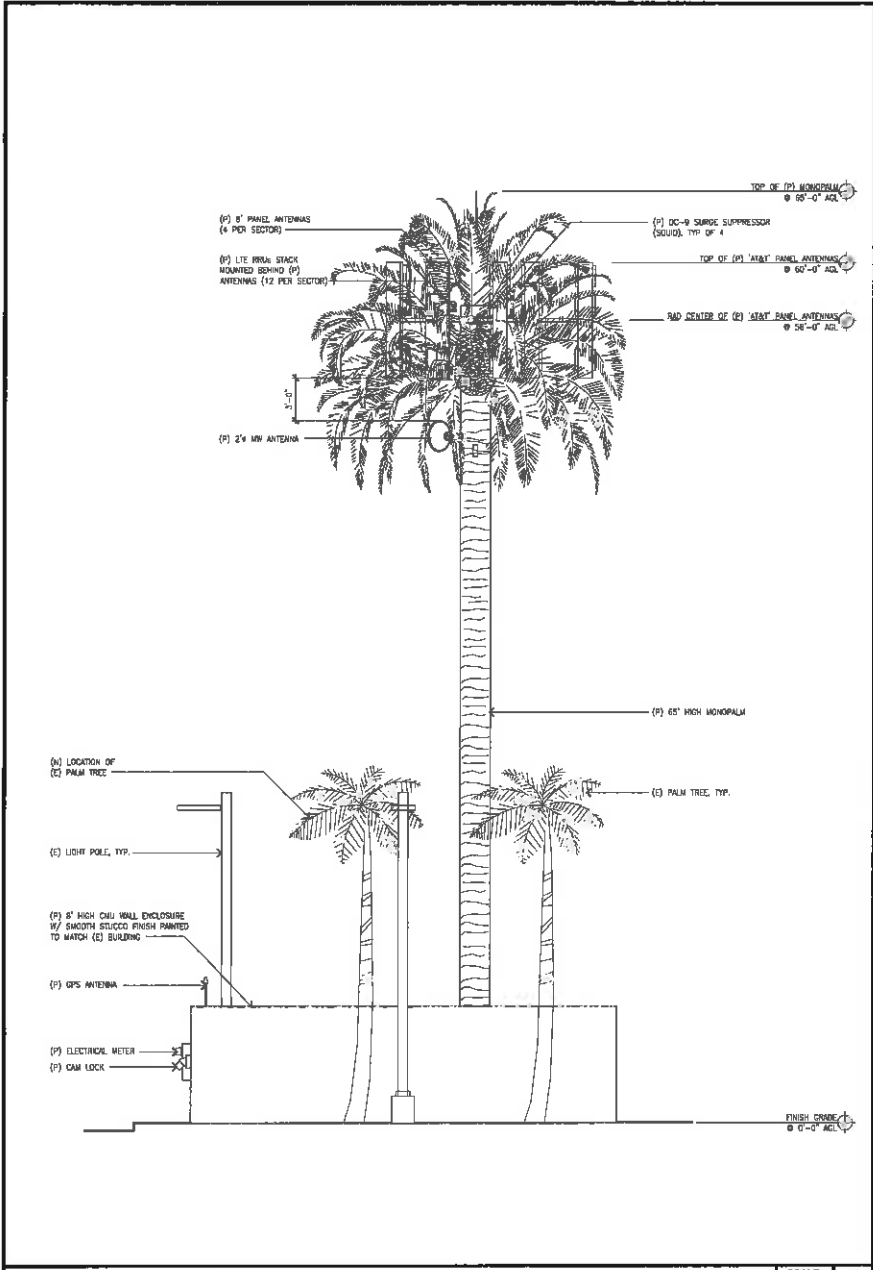
SHEET NUMBER:  
 A-3



**SOUTH ELEVATION** SCALE: 1/4"=1'-0" **2**



**EAST ELEVATION** SCALE: 1/4"=1'-0" **1**



**NORTH ELEVATION** SCALE: 1/4"=1'-0" **2**

**WEST ELEVATION** SCALE: 1/4"=1'-0" **1**



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**smartlink**  
 18401 VON KARMAN AVE, SUITE 400  
 IRVINE, CA 92612  
 TEL: (949) 367-1265  
 FAX: (949) 367-1275



REV	DATE	DESCRIPTION
2	8/14/18	1804 PRATER BLVD TO 65' MONOPALM
1	12/28/17	1804 PRATER BLVD - PLANNING PERIOD
-	12/14/17	1804 PRATER BLVD -
0	11/15/18	1804 PRATER BLVD -
X	11/28/18	1804 PRATER BLVD -

**NOT TO BE USED FOR CONSTRUCTION**

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CSL02434  
**CIRCLE K**  
 78005 COUNTRY CLUB DR.  
 PALM DESERT, CA 92211  
**MONOPALM (OUTDOOR)**

DRAWN BY: RJJS  
 CHECKED BY: JS

SHEET TITLE:  
**ELEVATIONS**

SHEET NUMBER:  
**A-4**



**NOTICE OF PUBLIC HEARING**  
**RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the application described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. For more information please contact **ALUC Planner Paul Rull at (951) 955-6893**. The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan.

The City of Palm Desert Planning Department may hold hearings on this item and should be contacted on non-ALUC issues. For more information please contact City of Palm Desert Planner Mr. Nick Melloni at (760) 346-0611.

The proposed project application may be viewed and written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, California 92501, Monday through Thursday from 8:00 a.m. to 5:00 p.m., except Thursday, July 4 (Independence Day) and by prescheduled appointment on Fridays from 9:00 a.m. to 5:00 p.m.

PLACE OF HEARING: Riverside County Administration Center  
4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
Riverside California

DATE OF HEARING: July 11, 2019

TIME OF HEARING: 9:30 A.M.

**CASE DESCRIPTION:**

**ZAP1078BD19 – Smartlink, LLC (Representative: Chris Doheny) – City of Palm Desert Case No. CUP19-0002.** A proposal to establish a 65 foot tall “monopalm” wireless communications facility with a 286 square foot equipment shelter area on 0.71 acres located southerly of Country Club Drive, westerly of Washington Street, and northerly and easterly of Harris Lane (Assessor’s Parcel Number 632-070-052) (Airport Compatibility Zone C of the Bermuda Dunes Airport Influence Area).



# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## APPLICATION FOR MAJOR LAND USE ACTION REVIEW

ALUC CASE NUMBER: ZAP1078BD19      DATE SUBMITTED: March 27, 2019

### APPLICANT / REPRESENTATIVE / PROPERTY OWNER CONTACT INFORMATION

Applicant	Chris Doheny	Phone Number 619-994-8528
Mailing Address	2033 San Elijo Ave #600	Email chris.doheny@smartlinkllc.com
	Cardiff, CA 92007	

Representative	_____	Phone Number _____
Mailing Address	_____	Email _____

Property Owner	Circle K Stores	Phone Number 919-774-6700 x 6059
Mailing Address	1100 Situs Court, Suite 100	Email mkestnba@circlek.com
	Raleigh, NC 27606	

### LOCAL JURISDICTION AGENCY

Local Agency Name	Palm Desert Planning Department	Phone Number 760-346-0611
Staff Contact	Nick Melloni	Email nmelloni@cityofpalmdesert.org
Mailing Address	73-510 Fred Waring Dr	Case Type
	Palm Desert, CA 92260	<input type="checkbox"/> General Plan / Specific Plan Amendment <input type="checkbox"/> Zoning Ordinance Amendment <input type="checkbox"/> Subdivision Parcel Map / Tentative Tract <input checked="" type="checkbox"/> Use Permit <input type="checkbox"/> Site Plan Review/Plot Plan <input type="checkbox"/> Other
Local Agency Project No	CUP 19-0002	

### PROJECT LOCATION

*Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways*

Street Address	78005 Country Club Dr	
	Palm Desert, CA 92211	
Assessor's Parcel No.	632-070-052	Gross Parcel Size _____
Subdivision Name	_____	Nearest Airport _____
Lot Number	_____	and distance from Airport _____

### PROJECT DESCRIPTION

*If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed*

Existing Land Use (describe)	Install new 75' High Monopalm wireless facility, with 12 panel antennas, 36 RRU's, 1 Microwave antenna, 1 GPS antenna
	Installation also to include 2 power cabinets, 4 purcell cabinets, 1 diesel generator, 1 power generator, utility cabinets within a 8 Ft. high CMU enclosure.

Proposed Land Use (describe)			
For Residential Uses	Number of Parcels or Units on Site (exclude secondary units)		
For Other Land Uses (See Appendix C)	Hours of Operation		
	Number of People on Site	Maximum Number	
	Method of Calculation		
Height Data	Site Elevation (above mean sea level)	103	ft.
	Height of buildings or structures (from the ground)	75	ft.
Flight Hazards	Does the project involve any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, describe		

- A. NOTICE:** Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive, of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.
- B. REVIEW TIME:** Estimated time for "staff level review" is approximately 30 days from date of submittal. Estimated time for "commission level review" is approximately 45 days from date of submittal to the next available commission hearing meeting.
- C. SUBMISSION PACKAGE:**
1. . . . . Completed ALUC Application Form
  1. . . . . ALUC fee payment
  1. . . . . Plans Package (24x36 folded) (site plans, floor plans, building elevations, landscaping plans, grading plans, subdivision maps)
  1. . . . . Plans Package (8.5x11) (site plans, floor plans, building elevations, landscaping plans, grading plans, subdivision maps, zoning ordinance/GPA/SPA text/map amendments)
  1. . . . . CD with digital files of the plans (pdf)
  1. . . . . Vicinity Map (8.5x11)
  1. . . . . Detailed project description
  1. . . . . Local jurisdiction project transmittal
  3. . . . . Gummed address labels for applicant/representative/property owner/local jurisdiction planner
  3. . . . . Gummed address labels of all surrounding property owners within a 300 foot radius of the project site. If more than 100 property owners are involved, please provide pre-stamped envelopes (size #10) with ALUC return address **(only required if the project is scheduled for a public hearing Commission meeting)**

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.5

**HEARING DATE:** July 11, 2019

**CASE NUMBER:** ZAP1038RG19 - City of Menifee

**APPROVING JURISDICTION:** City of Menifee

**JURISDICTION CASE NO:** Comprehensive Development Code Update and New Zoning Map

**MAJOR ISSUES:** None.

**RECOMMENDATIONS:**

**Staff recommends that the Commission open the public hearing, consider testimony, and find the proposed Comprehensive Development Code Update and New Zoning Map CONSISTENT with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and the 2011 Perris Valley Airport Land Use Compatibility Plan.**

**PROJECT DESCRIPTION:**

The City of Menifee proposes to adopt a Comprehensive Development Code, consisting of new Zoning, Subdivision, and Grading Ordinances, and a new Zoning Map to bring zoning of properties in the City into consistency with their General Plan designations.

**PROJECT LOCATION:**

The City of Menifee is located in the west-central portion of Riverside County and is bounded by the City of Perris on the north, the City of Murrieta on the south, the Cities of Lake Elsinore and Canyon Lake on the west, and unincorporated Riverside County (including the communities of Homeland and Winchester) on the east.

Except for objects 200 feet or greater in height, the jurisdiction of the Airport Land Use Commission is confined to the portions of the City within the March Air Reserve Base/Inland Port and Perris Valley Airport Influence Areas. The portion of the City within Airport Influence Areas was significantly expanded with the adoption of the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. However, the Compatibility Zones within the City (Compatibility Zones D and E of the March Air Reserve Base/Inland Port Airport Influence Area and Compatibility Zone E of the Perris Valley Airport Influence Area) have no associated limits on density or intensity of land use.

**EXISTING REFERENCES IN CITY GENERAL PLAN:**

Policy LU-4.1 states that the City will “ensure that land use decisions within the March Air Reserve Base and Perris Valley Airport areas of influence are consistent with applicable Airport Land Use Compatibility Plans” and “comply with State law regarding projects subject to review by the Riverside County Airport Land Use Commission.”

Policy LU-4.2 states that the City will “ensure that development proposals within the March Air Reserve Base and Perris Valley Airport areas of influence fully comply with the permit procedures specified in Federal and State law, with the referral requirements of the Airport Land Use Commission (ALUC), and with the conditions of approval imposed or recommended by the Federal Aviation Administration and ALUC, such as land use compatibility criteria, including density, intensity, and coverage standards [in addition to all other City development review requirements].”

Additionally, the Compatibility Maps from the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and the 2011 Perris Valley Airport Land Use Compatibility Plan are included in the City General Plan.

**ANALYSIS:**

As the City is located at the outer edges of the Airport Influence Areas of both March Air Reserve Base/Inland Port Airport and Perris Valley Airport (primarily in Compatibility Zone E, although the northeasterly portion of the City of Menifee, including the community of Romoland, is in Compatibility Zone D of the March Airport Influence Area), the properties therein are not subject to specified restrictions on the densities and/or intensities of land use. Accordingly, no direct conflicts exist between allowable land use pursuant to the General Plan and adopted land use compatibility criteria. Furthermore, the City lies beyond the 55 dB(A) CNEL contour of Perris Valley Airport and the 60 dB(A) CNEL contour of March Air Reserve Base/Inland Port Airport. Therefore, with respect to aircraft-generated noise, there are no areas of the City where residential development would not be considered “normally acceptable,” and no areas where special acoustical mitigation would be required solely to address the effects of aircraft noise.

The City’s proposed zoning classifications are identical to its General Plan designations, except that two zones are established to correspond to the Low Density Residential designation.

The evaluation of a new City Zoning Map would normally require a considerable amount of time to study. In this case, however, the changes in zoning are simply to provide for consistency with a General Plan that was previously reviewed and found consistent. Therefore, the adoption of the new Zoning Map will not result in any inconsistencies with the applicable ALUCPs.



**Attachment 1: Attachment Summary**

**City of Menifee  
Application for Major Land Use Action Review  
Comprehensive Development Code Update**

The City of Menifee has started the process of creating comprehensive “Menifee-specific” zoning, subdivision and grading Ordinances that are consistent with and implement the adopted 2013 General Plan.

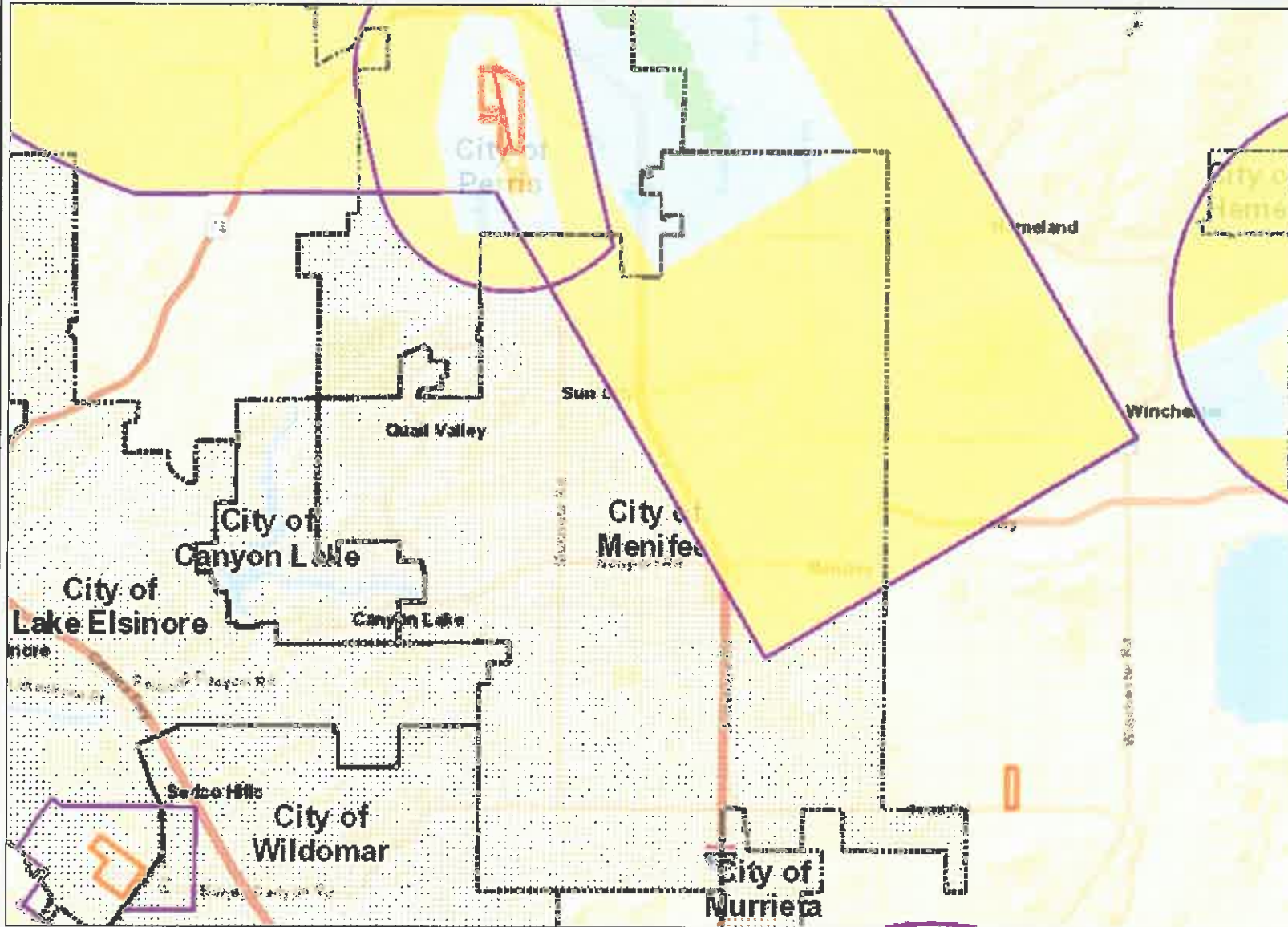
Otherwise known as the Comprehensive Development Code, the regulations will be crafted to be user-friendly and help the City and applicants to achieve the vision, goals and objectives of the General Plan while establishing clear procedures for the development review process.

In addition to the application, the City has included the following attachments:

Number	Attachment Name	Description
1	Attachment Summary	Summary of documents.
2	Menifee Draft Ordinance: Title 7 Subdivision	The updated Subdivision Ordinance is consistent with the State Subdivision Map Act, surrounding jurisdictions regulations and best practices, while addressing Menifee specific items.
3	Summary of Changes: Title 7 Subdivision	<ul style="list-style-type: none"> <li>• Eliminated the “schedule” maps that currently exist in Ord. 460</li> <li>• Addresses the financing map option</li> <li>• The authorities for many of the actions have been transferred:                             <ul style="list-style-type: none"> <li>○ City Engineer - Certificates of Compliance, Lot Line Adjustments, and Lot Mergers</li> <li>○ Community Development Director - Tentative Parcel Maps</li> <li>○ Planning Commission - Tentative Maps</li> <li>○ City Council - Vesting Maps, Final Maps, Parcel Maps, and Reversion to Acreage</li> </ul> </li> </ul>
4	Menifee Draft Ordinance: Title 8 Grading	The an updated Grading Ordinance is consistent with the State Subdivision Map Act, surrounding jurisdictions regulations and best practices, while addressing Menifee specific items.
5	Summary of Changes: Title 8 Grading	<ul style="list-style-type: none"> <li>• Augmented with new sections on procedure, applicability, and enforcement.</li> <li>• Attempt to balance the appropriate level of detail in the Ordinance with addition and update of references to external sources to allow for continual update of fine details and standards without amending the Ordinance.</li> <li>• Incorporates specific recommendations received during our stakeholder interviews, staff summit, subsequent discussions with staff, and our internal engineering reviews.</li> <li>• All numerical standards and thresholds in the draft represent standards, thresholds, and processes that are fairly standard and typical of the region.</li> </ul>
6	Menifee Draft Ordinance: Title 9 Zoning Draft	The updated Zoning Ordinance incorporates state and local regulations and best practices while addressing Menifee specific items.

7	<b>Summary of Changes: Title 9 Zoning</b>	This memo provides a summary of the changes to the Development Code. The summary provides significant changes by chapter, as well as to the overall development code.
8	<b>Draft Zoning Map</b>	<p>The zoning map is being updated so that the zoning is consistent with the General Plan land use designations in the adopted General Plan. The updates do not include specific property owner requests, just general plan consistency.</p> <p>Zoning inconsistency has been an issue in the area since prior to the City's incorporation. When a property's general plan land use is not consistent with the zoning of the site (i.e. general plan is commercial, but zoning is residential), it creates confusion for property owners on what uses are allowed and also increases the cost and timing for development as applicants must process zone changes with their project applications. The City adopted a General Plan in 2013 and it has been our goal to update the zoning map to be consistent with the land use designations.</p> <p><b>Summary of Changes</b></p> <ul style="list-style-type: none"> <li>• <i>Zoning is consistent with the General Plan</i></li> <li>• <i>Each General Plan land use designation has a corresponding implementing Zone</i> <ul style="list-style-type: none"> <li>○ These zones were presented at the previous workshop (in Article 3 of the Development Code)</li> </ul> </li> <li>• <i>Planned Development Overlays (PDO)</i> <ul style="list-style-type: none"> <li>○ Applied to existing and approved developments where there are variations from the projects to the proposed standards within the draft zoning code.</li> <li>○ Examples <ul style="list-style-type: none"> <li>▪ Approved, but not constructed projects. There are several subdivisions that have been approved, but they are processing their final engineering documents (i.e. final maps, grading plans, street improvement plans). The approved maps are not consistent with the proposed zoning (setbacks, lot sizes)</li> </ul> </li> <li>○ The PDO section of the Development Code would contain the standards for each specific development (i.e. lot size, lot coverage, setbacks, etc.).</li> <li>○ This would resolve issues related to existing non-conforming uses as the projects move forward and as home owners add patio covers or other improvements to their properties.</li> </ul> </li> <li>• <i>Two Lot Sizes to implement the 2.1-5 du/acre residential</i> <ul style="list-style-type: none"> <li>○ LDR-1 (10,000 sq. ft.)</li> <li>○ LDR-2 (7,200 sq. ft.)</li> </ul> </li> </ul>

# Map My County Map



## Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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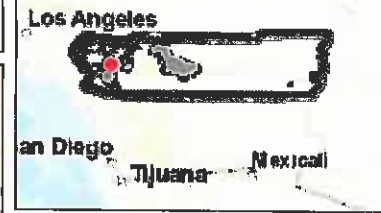
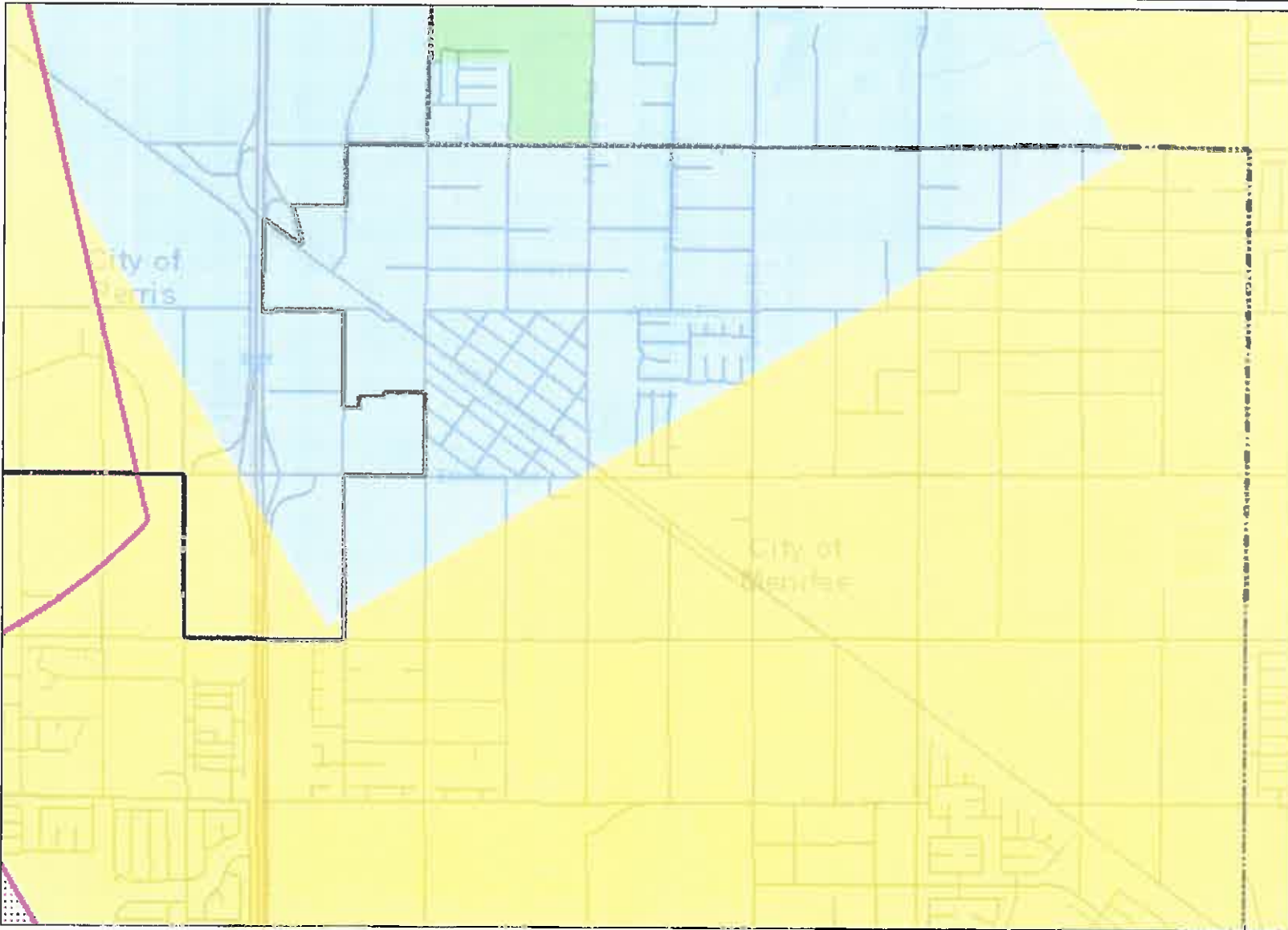


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## Notes

# Map My County Map



- ### Legend
- Runways
  - Airports
  - Airport Influence Areas
  - Airport Compatibility Zones**
  - OTHER COMPATIBILITY ZONE
  - A
  - A-EXC1
  - B1
  - B1-APZ I
  - B1-APZ I-EXC1
  - B1-APZ II
  - B1-APZ II-EXC1
  - B1-EXC1
  - B2
  - B2-EXC1
  - C
  - C1
  - C1-EXC1
  - C1-EXC3
  - C1-EXC4
  - C1-HIGHT
  - C2
  - C2-EXC1
  - C2-EXC2
  - C2-EXC3
  - C2-EXC5
  - C2-EXC6



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**Notes**







# Menifee Development Code Update

## Summary of Content

### TITLE 7: SUBDIVISIONS

#### Purpose of Summary

This document contains a summary of the content contained in Title 7 (Subdivisions), organized by article. Because Menifee had not adopted City-specific subdivision procedures and limited content was informed by the existing Riverside County subdivision regulations (Ordinance No. 460), Title 7 as drafted represents almost entirely new content. However, subdivisions are heavily regulated under Subdivision Map Act (Map Act), which is outlined in the California Government Code Section 66410 et seq and leaves limited opportunities for a community to deviate from the requirements for processing and approving subdivisions, as regulated by the Map Act. So, much of the content for Title 7 (Subdivisions) is driven by the requirements of the Map Act.

The purpose of these summaries is to provide a high-level account of the content within Title 7 as drafted and to call out specific topics of interest that were considered during the preparation of the proposed chapters or highlight additions to be made to Title 7 (Subdivisions) for public review.

Each article summary contains:

- An **index** of chapters contained within the article.
- The **general purpose and content** for each chapter.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. While these recommendations are specific to general observations made relative to the zoning ordinance, many of the organizational recommendations have been applied to the structure of Title 7 (Subdivisions).

1. Consolidate and organize information in tables to minimize redundancies.
2. Incorporate graphics where appropriate to illustrate application of standards and defined terms.
3. Organize like chapters so they are in logical groupings.
4. Establish a consistent section structure across like chapters to the extent feasible.
5. Review and update all cross-references.
6. Develop a template that includes navigational cues.
7. Identify standards versus guidelines and retain only standards in the code.

# Menifee Development Code Update

## Summary of Content

### Title 7 Organizational Structure

The organization of Title 7 (Subdivisions) has been reorganized into the following articles, which each contain chapters that address similar topics or categories. The chapter content is described in more detail in the body of this document.

- **Article 1: General Provisions.** Establishes the purpose and applicability of the regulations contained in Title 7, identifies administrative responsibilities, includes general rules for interpretation, and confirms enforcement protocols.
- **Article 2: Maps Required.** Includes the processing, applicability, and evaluation criteria for maps, consistent with the requirements of the Map Act and with City procedure.
- **Article 3: Certificates, Adjustments, and Mergers.** Includes the processing, applicability, and evaluation criteria for the consolidation, and/or reconfiguration of property.
- **Article 4: Design, Dedication, and Improvements.** Identifies the design, dedication, improvement requirements for subdivisions of property as well as payment of fees.
- **Article 5: Definitions.** Includes definition of terms used in Title 7.

## ARTICLE 1: GENERAL PROVISIONS

### Article 1 Summary of Content by Chapter

#### CHAPTER 7.01 PURPOSE AND APPLICABILITY

This chapter establishes the purpose of Title 7 (Subdivisions) which is to provide the City with legal authority for the review of the design and improvement of subdivisions and the processing of any proposed division, consolidation, and/or reconfiguration of land within the City. Applicability of the regulations contained in Title 7 and exceptions thereto are also established within this chapter.

#### CHAPTER 7.05 ADMINISTRATIVE RESPONSIBILITIES

This chapter establishes the administrative responsibilities of City officials and bodies (e.g., City Engineer, Community Development Director, Planning Commission, City Council) for purposes of implementing the regulations contained in Title 7 (Subdivisions), as summarized in Table 1 below.

### Article 1 Chapter Index

- 7.01: Purpose and Applicability
- 7.05: Administrative Responsibilities
- 7.10: Rules of Interpretation
- 7.15: Enforcement

# Menifee Development Code Update

## Summary of Content

**Table 1: Designated Authority for Approvals**

Approval Type (Chapter)	Type of Action	Designated Authority <sup>1</sup>			
		City Engineer	Community Development Director	Planning Commission	City Council
Tentative Map (7.20)	Discretionary		R	A	
Tentative Parcel Map (7.20)	Discretionary		A		
Vesting Tentative Map (7.25)	Discretionary		R	R	A
Vesting Tentative Parcel (7.25)	Discretionary		R	R	A
Common Interest Subdivision Conversions (7.30)	Discretionary		R	A	
Final Map (7.35)	Ministerial	R			A
Parcel Map (7.35)	Ministerial	R			A
Parcel Map Waiver (7.35)	Discretionary		A		
Certificate of Compliance (7.40)	Ministerial	A			
Lot Line Adjustment (7.45)	Ministerial	A			
Lot Merger (7.50)	Discretionary	A			
Reversion to Acreage (7.55)	Discretionary	R			A

<sup>1</sup> A = Approving Authority; R = Recommending Authority

### CHAPTER 7.10 RULES OF INTERPRETATION

This chapter specifies the authority, procedures, and rules for clarification of ambiguity in the regulations of Title 7 (Subdivisions) in order to ensure the consistent interpretation and application of the Title.

### CHAPTER 7.15 ENFORCEMENT

The purpose of this chapter is to identify prohibitions for the division or conveyance of land and to identify remedies where such prohibited actions have been made.

# Menifee Development Code Update Summary of Content

## ARTICLE 2: MAPS REQUIRED

### Article 2 Summary of Content by Chapter

#### CHAPTER 7.20 TENTATIVE MAPS

This chapter identifies the process for tentative maps and tentative parcel maps. The procedures outlined comply with the requirements of the Map Act.

#### CHAPTER 7.25 VESTING TENTATIVE MAPS

This chapter establishes procedures for the review, approval, and administration of vesting tentative maps. Vesting maps are an option available to subdividers that wish to “lock in” certain standards that are in place at the time of application acceptance, which provide more predictability for the subdivider. The provisions of this chapter comply with the requirements of the Map Act.

#### CHAPTER 7.30 COMMON INTEREST SUBDIVISION CONVERSIONS

This chapter applies to the conversion of existing residential real property to condominiums, community apartments, or stock cooperative projects. Requirements related to such conversions are prescribed in the Map Act and this chapter complies with those requirements.

This chapter also requires that a Conditional Use Permit be obtained concurrently with the subdivision, which provides a venue for the noticing that is required by the Map Act when such common interest properties are subdivided.

#### CHAPTERS 7.35 FINAL MAPS AND PARCEL MAPS

This chapter specifies the form, content, accompanying data, and filing of final maps or parcel maps. The provisions of this chapter comply with the requirements of the Map Act.

### Article 2 Chapter Index

**7.20: Tentative Maps**

**7.25: Vesting Tentative Maps**

**7.30: Common Interest Subdivision Conversions**

**7.35: Final Maps and Parcel Maps**

### Finance Map Process

A financing map process will be added to Article 2 in the public draft of the Subdivision Ordinance to address input received.

Finance maps establish a process to facilitate the finance and lease of property, similar to the process currently established in Riverside County Ordinance No. 460.

# Menifee Development Code Update Summary of Content

## ARTICLE 3: CERTIFICATES, ADJUSTMENTS, AND MERGERS

### Article 3 Summary of Content by Chapter

#### CHAPTER 7.40 CERTIFICATES OF COMPLIANCE

This chapter outlines the procedures for certificates of compliance, which provide a means for conferring legal status to parcels of land that were not created by legal means or for confirming the legal status of parcels of land that were created by legal means. Applicability of when a certificate of compliance is appropriate is outlined. The provisions of this chapter comply with the requirements of Government Code Section 66499.35.

#### CHAPTER 7.45 LOT LINES ADJUSTMENTS

This chapter establishes procedures for adjusting the boundary lines between parcels when no new parcels are created. Lot line adjustments may be used to reconfigure the sizes and/or shapes of between two and four adjoining lots. The provisions of this chapter comply with the requirements of Government Code Section 66412(d).

#### CHAPTERS 7.50 LOT MERGER

This chapter provides procedures by which the City may require or provide for the merger of up to four contiguous parcels under common ownership. The provisions of this chapter comply with Government Code Section 66451.11 and with the provisions of Government Code Sections 66451.10 through 66451.21.

#### CHAPTER 7.55 REVERSION TO ACREAGE

Any subdivided property may be reverted to acreage pursuant to the provisions of Government Code Section 66499.11 et seq and the requirements of this chapter. Reversion to acreage means reversing the subdivision of property and combining it into the larger parcel that previously existed.

### Article 3 Chapter Index

7.40: Certificates of Compliance

7.45: Lot Line Adjustments

7.50: Lot Merger

7.55: Reversion to Acreage



# Menifee Development Code Update

## Summary of Content

### ARTICLE 4: DESIGN, DEDICATION, AND IMPROVEMENTS

#### Article 4 Summary of Content by Chapter

#### Article 4 Chapter Index

**7.60: Design Standards**

**7.65: Dedications and Fees**

**7.70: Parkland Dedication and Fees**

**7.75: Improvements**

#### CHAPTER 7.60 DESIGN STANDARDS

This chapter establishes design standards for subdivisions in accordance with the allowances of the Map Act and applies to all subdivision of land, unless specifically exempted. The provisions of this chapter related to the design of subdivisions are those where the City has the most discretion beyond the provisions of the Map Act. Many improvement design standards are included in adopted City road and public work design standards, which are maintained separate from Title 7, but which are referenced in this chapter.

#### CHAPTER 7.65 DEDICATIONS AND FEES

This chapter generally confirms the requirement that dedications, irrevocable offers of dedication, and grants of easements be required upon final map or parcel map, which shall be accepted or rejected by the City. This chapter also requires that development impact fees shall be paid in accordance with the provisions of Title 7.

#### CHAPTERS 7.70 PARKLAND DEDICATION AND FEES

This chapter establishes criteria for the dedication of land or payment of in-lieu fees for the development of new, or rehabilitation or enhancement of existing community parks or recreational facilities in accordance with Government Code Section 66477, more commonly referred to as “the Quimby Act”, and other applicable law. Such dedication of land or payment of in-lieu fees is a condition of approval of a final or parcel map.

This chapter does present a shift in approach to how the City currently determines the in-lieu fee for parkland. The City’s current Chapter 9.55 (Parkland Dedication or Quimby Fee Requirements for Residential Development Requiring a Tentative Map or Parcel Map) provides a set formula for determining the in-lieu fee. This chapter has shifted away from the set formula approach to an appraisal approach, which is intended to provide for payment of an amount that reflects the appraised value of land at the time of determination. However, the language does still accommodate the option for the City to establish a fixed fee amount in the future without needing to make adjustments to Title 7.

#### CHAPTER 7.75 IMPROVEMENTS

This chapter confirms the requirement for making on-site and off-site improvements and payment of impact fees in accordance with the standards and fees approved by City Council. A process for deferral of improvements is also outlined in this chapter.

# Menifee Development Code Update Summary of Content

## ARTICLE 5: DEFINITIONS

### Article 5 Summary of Comments by Chapter

#### Article 5 Chapter Index

##### 7.80: Definitions

#### CHAPTER 7.80 DEFINITIONS

This chapter contained definitions of those terms used in Title 7 (Subdivisions). Where terms are not defined in this chapter, they may be defined in other areas of the Municipal Code, such as Title 9 (Planning and Zoning).

# Menifee Development Code Update

## Summary of Content

### CHAPTER 8.26: GRADING ORDINANCE

#### Purpose of Summary

This document contains a summary of the content contained in a proposed new Chapter 8.26, Grading (Grading Ordinance) to be located in Title 8 (Buildings and Construction). The proposed ordinance is entirely new to Menifee and would replace the existing grading regulations in Menifee which are limited to a simple reference to the grading provisions of 2016 California Building Code (CBC), Appendix J, Grading, as well as a series of application forms and standard notes and conditions prepared by the Menifee Engineering Department.

The purpose of this summary is to provide a high-level account of the content within the Grading Ordinance as drafted and to highlight specific topics of interest that were considered during the preparation of Chapter 8.26, Grading for public review.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. While these recommendations are specific to general observations made relative to the zoning ordinance, many of the organizational recommendations have been applied to the structure of Chapter 8.26, Grading.

1. Consolidate and organize information in tables to minimize redundancies.
2. Incorporate graphics where appropriate to illustrate application of standards and defined terms.
3. Organize like chapters so they are in logical groupings.
4. Establish a consistent section structure across like chapters to the extent feasible.
5. Review and update all cross-references.
6. Develop a template that includes navigational cues.
7. Identify standards versus guidelines and retain only standards in the code.

#### Chapter 8.26 Organizational Structure

Like most municipal grading ordinances, the proposed Menifee Grading Ordinance builds on the framework of content contained in California Building Code Appendix J, Grading, addressing topics including:

- Purpose and authority
- Defined terms
- Permits required
- Application requirements

# Menifee Development Code Update

## Summary of Content

- Exemptions
- Inspections
- Excavations
- Fills
- Setbacks
- Drainage and terracing
- Erosion control

The Grading Ordinance has added the following sections to address more Menifee-specific procedures and development standards:

- Geotechnical Reports
- Fees
- Permit Expiration, Renewal and Suspension
- Security
- Time of Grading Work
- Import and Export of Earth Material
- Haul Routes for Earth Material
- Earth Materials on Public Streets
- Dust Control
- Storm Water Quality Management
- Inspections
- Completion of Work

## GRADING ORDINANCE SUMMARY OF CONTENT

The content of Chapter 8.26, Grading has been summarized by topic rather than section, with a focus on the following key topics included in the ordinance.

### Purpose and Authority

The grading ordinance is overseen and implemented by the City Engineer/Public Works Director. The ordinance gives the City Engineer/Public Works Director discretion to approve, approve with conditions, or deny applications for grading permits. The Planning Commission and City Council are not involved in the issuance of grading permits, appeals, or enforcement actions. Grading permits are ministerial in nature; however, no grading permit for any development project requiring a development permit will be issued until the development project has been approved.

# Menifee Development Code Update

## Summary of Content

The chapter regulates and controls excavation, grading, earthwork construction in order to establish standards regulating the design and construction of building sites, prevent erosion, adverse impacts to property, the environment, and protect public health, safety and welfare.

The City Engineer/Public Works Director may issue a Stop Work Order to permitted grading activities if he or she determines that there is a risk to public or private property caused by the grading activities.

The chapter allow the City to impose penalties upon any person found violating the provisions of the Grading Ordinance.

### Applicability

Grading permits are generally required for any cut, fill or stockpile:

- In excess of 50 cubic yards
- Near environmentally sensitive areas
- Excavation greater than 2 feet in vertical depth
- Cut slopes greater than 5 feet in vertical height and steeper than a 2:1 ratio (horizontal distance:vertical distance)
- Fills greater than 1 foot in depth or on natural grades steeper than 5:1 ratio
- Grading or clearing of:
  - previously undisturbed land
  - land covered by native vegetation
  - land not used in the last 3 years for agricultural activities
- Where deemed necessary by the City Engineer/Public Works Director to prevent the potential for adverse impacts upon drainage, sensitive environmental features, or to protect property, health, safety and welfare.

Exempt activities include:

- Earthwork construction regulated by federal, state, county or city governments or by a local agency as defined by California Government Code Sections 53090 through 53095 (special districts).
- Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay authorized and conducted in accordance with applicable state and local laws.
- Exploratory excavations under the direction of a soil engineer, engineering geologist, archaeologist or paleontologist, provided all excavations are properly backfilled and compacted or otherwise restored.
- Clearing, brushing and minor grading for agricultural purposes.



# Menifee Development Code Update

## Summary of Content

Unless waived by the City Engineer/Public Works Director, all grading plans also require preparation of:

- Erosion Control Plans
- Geotechnical Reports

### Process/Procedure

The Grading Ordinance prescribes minimum requirements necessary to obtain a grading permit. Application requirements, plan contents, reports, and supporting materials and details are specified on a City application form and handouts. This method allows for revisions to grading permit application requirements without the need for an amendment to the Menifee Municipal Code (i.e., City Council approval) and provides additional flexibility to the City Engineer/Public Works Director in modifying the application submittal requirements. Fees are subject to a master fee schedule that is regularly updated and adopted by the City Council.

Every grading permit must be accompanied by some guarantee of financial security to ensure that any disturbed slope can be stabilized in the event of a default or failure of the project. Security may be in the form of a cash deposit, letter of credit, bond, or lien. Security must cover at least 50% of the total estimated cost of grading work plus 100% of the cost of the required erosion control systems. At least 25% of the required erosion security must be deposited in cash.

Upon completion of the project, the City Engineer/Public Works Director may release 90% of the required security. 10% is held for 1 year as a warranty on post construction landscaping, stabilization, and erosion control measures.

The ordinance sets procedures for grading permit expiration, renewal, or suspension.

### Standards

The Grading Ordinance requires land owners to implement best management practices (BMPs) for reducing storm water runoff, erosion, and pollution.

The ordinance contains standards for the import and export of any earth material, including dust control measures, road standards, and traffic control. Haul routes for material must be approved by the City Engineer/Public Works Director for any movement of earth materials over public streets.

The ordinance contains additional standards regulating:

- Cuts

# **Menifee Development Code Update**

## **Summary of Content**

- **Fills**
- **Dust control**
- **Setbacks**
- **Drainage and terracing**
- **Retaining walls**
- **Asphalt paving**

There are significant details and standards regarding erosion control systems and storm water management to remain consistent with state and regional NPDES requirements. The Grading Ordinance includes an appropriate level of detail balanced with references to external sources. This allows for continual updates of fine details and standards without the need to amend the ordinance language.



New. Better. Best.

# Zoning Code Update Summary of Changes February 2019

Prepared By:

**Michael Baker**  
INTERNATIONAL

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9755 Clairemont Mesa Boulevard, Suite 100  
San Diego, CA 92124-1324

# Menifee Development Code Update

## Summary of Changes

### TABLE OF CONTENTS

<b>Title 9: Planning and Zoning</b> .....	<b>1</b>
Title 9 Summary of Significant Changes.....	2
<b>Article 1: General Provisions</b> .....	<b>4</b>
Article 1 Chapter Index .....	4
Article 1 Summary of Significant Changes by Chapter .....	5
<b>Article 2: Administration, Permits and Procedures</b> .....	<b>7</b>
Article 2 Chapter Index .....	8
Article 2 Summary of Significant Changes by Chapter .....	9
<b>Article 3: Zones</b> .....	<b>12</b>
Article 3 Chapter Index .....	13
Article 3 Summary of Significant Changes by Chapter .....	13
<b>Article 4: General Development Regulations</b> .....	<b>17</b>
Article 4 Chapter Index .....	18
Article 4 Summary of Significant Changes by Chapter .....	18
<b>Article 5: Specific Use Regulations</b> .....	<b>26</b>
Article 5 Chapter Index .....	27
Article 5 Summary of Significant Changes by Chapter .....	27
<b>Article 6: Definitions</b> .....	<b>34</b>
Article 6 Chapter Index .....	34
Article 6 Summary of Significant Changes by Chapter .....	34

# Menifee Development Code Update

## Summary of Changes

### TITLE 9: PLANNING AND ZONING

#### Purpose

This document contains a summary of the significant changes made generally in Title 9 (Planning and Zoning) and in each chapter. The summaries have been organized by article, summarized below. Where procedures relied on existing standards, those ordinances or chapters have been identified. The purpose of these summaries is to provide a high-level account of changes made and to call out specific topics of interest that were considered during the preparation of the proposed chapters.

Each article summary contains:

- The general **purpose** for the article.
- The **audit report recommendations** relevant to the article.
- An **index of chapters** contained within the article.
- A summary of significant changes by chapter.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. These recommendations are specific to general observations made relative to how the issues addressed in the various articles are currently addressed in the existing ordinances and directly informed the approach for changes reflected in the draft chapters.

1. Consolidate and organize information in tables to minimize redundancies.
2. Incorporate graphics where appropriate to illustrate application of standards and defined terms.
3. Organize like chapters so they are in logical groupings.
4. Establish a consistent section structure across like chapters to the extent feasible.
5. Review and update all cross-references.
6. Develop a template that includes navigational cues.
7. Identify standards versus guidelines and retain only standards in the code.



# Menifee Development Code Update Summary of Changes

## TITLE 9 SUMMARY OF SIGNIFICANT CHANGES

### Revised Organizational Structure

The organization of the existing code is haphazard and doesn't follow a logical progression. The current organization reflects the piecemeal and chronological nature of how the code was adopted by the County of Riverside and updated by the City of Menifee since its incorporation. Title 9 has now been reorganized into the following articles, which each contain chapters that relate to the same topic:

- Article 1: General Provisions
- Article 2: Administration, Permit, and Procedures
- Article 3: Zones
- Article 4: General Development Regulations
- Article 5: Specific Use Regulations
- Article 6: Definitions

### Incorporation of Tables and Graphics

The existing Zoning Code includes very limited tables and graphics. Most of the information is currently presented in text and list format, including allowed use listings and development standards, or is in multiple chapters of the code. Tables have been integrated into most articles to improve how information is organized and accessed and to minimize redundancies across chapters. This change is most evident in Article 3 (Zones) where tables have been developed to compare allowed uses and development standards across individual zones within the same zone group (e.g., residential, commercial/industrial).

Graphics have been included where necessary to show the intent of a defined term. These graphics are primarily used in Article 4 (General Development Regulations) where it was necessary to convey the application of a certain standard or regulation (e.g., permitted encroachments, types of signs, parking standards).

### EnCode Online Tool

The City has elected to use EnCode, an online web-based code tool, to house and manage Title 9 (Planning and Zoning). While EnCode had minimal influence on how Title 9 was organized, it will have a major impact on how Title 9 is accessed and maintained over time. Following are some of the features enabled through EnCode:

- Rollover pop-up definitions to minimize page clicks.
- Dynamic tables with hyperlinks in the online document, making navigating to other chapters/sections convenient.

# **Menifee Development Code Update**

## **Summary of Changes**

- **Advanced search capabilities.**
- **A password-protected back-end interface for staff to manage comments, interpretations, and pending text changes.**
- **Instant publishing capabilities.**
- **Automatic archiving and cataloguing of prior codes with adoption of revisions.**

# Menifee Development Code Update

## Summary of Changes

### ARTICLE 1: GENERAL PROVISIONS

#### Purpose

The purpose of the general provisions is to establish the authority for Title 9 (Planning and Zoning) and identify a framework for the adoption, interpretation, and enforcement of the code provisions of the title.

Article 1: General Provisions is a collection of chapters that clarify how the provisions of the Development Code will apply to projects in various stages at adoption of the proposed regulations, establish administrative responsibilities in the implementation of the code, and identify general rules for how the code is interpreted. The regulation of nonconforming uses and the enforcement of the code provisions are also established.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. These recommendations are specific to general observations made relative to how the issues addressed in Article 1 are currently addressed in the existing ordinances and directly informed the approach for changes reflected in the draft Article 1 chapters.

1. Establish or formalize procedures to create predictable standards for interpretations and minor exceptions.
2. Review and expand the nonconforming standards and procedures to address existing and potential nonconforming situations in a clear and efficient manner.

### ARTICLE 1 CHAPTER INDEX

**9.01: Purpose and Applicability**

**9.05: Administrative Responsibilities**

**9.10: Rules of Interpretation**

**9.15: Nonconforming Uses and Structures**

**9.20: Enforcement**

# Menifee Development Code Update

## Summary of Changes

### ARTICLE 1 SUMMARY OF SIGNIFICANT CHANGES BY CHAPTER

#### Chapter 9.01 Purpose and Applicability

##### SUMMARY OF SIGNIFICANT CHANGES

This chapter identifies the purpose and intent of Title 9 (Planning and Zoning), establishes applicability for how the code provisions apply to projects in various stages, and outlines how conflicting requirements are addressed.

The provisions of Ordinance No. 348, to the extent they addressed issues related to this chapter, have been carried over with minimal changes; specifically, the provisions addressing how the new code requirements will apply to pending applications, approved projects not yet under construction, and projects under construction. The distinction between how the provisions apply to private projects versus public projects has also been carried over from existing Ordinance No. 348 provisions.

#### Chapter 9.05 Administrative Responsibilities

##### SUMMARY OF SIGNIFICANT CHANGES

This chapter outlines the roles of the primary bodies responsible for carrying out the planning duties for the City of Menifee, including the Community Development Director, City Manager, Planning Commission, and City Council. This chapter primarily refers to and aligns with the existing duties identified in Title 2 (Administration and Personnel) with no significant changes proposed.

#### Chapters 9.10 Rules of Interpretation

##### SUMMARY OF SIGNIFICANT CHANGES

The provisions in this chapter are new for the City of Menifee and clarify how ambiguities that may exist in the regulations are to be interpreted. This includes identifying rules for interpreting terms as well as identifying who has the authority to make such an interpretation and how those interpretations are to be recorded. To facilitate the resolution of ambiguities in a timely manner, the Community Development Director has been identified as the approval authority for making such interpretations.

#### Chapters 9.15 Nonconforming Uses and Structures

##### SUMMARY OF SIGNIFICANT CHANGES

This chapter contains the provisions for nonconforming uses and structures. It outlines how those nonconforming uses and structures may continue or may be required to come into conformance with the adopted code provisions.

The existing nonconforming provisions of Ordinance No. 348 are designed around the certification and amortization of specific nonconforming uses yet are vague on process and approval authority. This

# Menifee Development Code Update

## Summary of Changes

approach has not been very effective and places a large burden on the property owners and businesses to register as nonconforming and on the City in determining how to enforce the existing provisions and manage amortization requirements. Amortization should be limited to very specific uses (e.g., billboards) when necessary, not applied to uses generally.

The approach proposed in this chapter, which is typical of most cities, represents a shift away from general amortization schedules for nonconforming uses and focuses on provisions that are organized around the allowance for continuation of nonconforming uses and structures. This includes outlining how changes to size, location, and intensity of a nonconforming use or structure are allowed and processed. Thresholds and standards for the expansion, restoration, and improvement of nonconforming structures and discontinuation of nonconforming uses are also included.

The term nonconforming has also been defined such that no one can enjoy the allowances for the continuation of a nonconforming use or expansion of a nonconforming structure if the use or structure was not lawfully established, meaning that it met the standards in place at the time and obtained the required permits and approvals.

### Chapters 9.20 Enforcement

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter addresses both enforcement and revocation of permits and approvals. No significant changes were made to the existing processes currently implemented by the City. Some technical updates to how revocations are implemented were made for consistency with the California Government Code provisions, with additional clarifications made on when revocations may be initiated, the process for revocation, and who has the authority to revoke certain permits and approvals.



# Menifee Development Code Update

## Summary of Changes

### ARTICLE 2: ADMINISTRATION, PERMITS AND PROCEDURES

#### Purpose

The purpose of establishing administration, permits and procedures is to communicate the process for submitting, reviewing, evaluating, and deciding on requests for land use permits and approvals.

Article 2: Administration, Permits and Procedures is a collection of chapters consolidating those regulations directly related to processing land use and development requests and issuing land use permits and other approvals. These chapters include requirements for approving land use and development requests, all common processing procedures as they apply to land use permits and approvals (e.g., application submittal, public hearing and notice, approving and recommending authorities, appeal procedures, extensions of time, modifications to approved permits) and to individual permit procedures (e.g., conditional use permits, plot plans, variances, similar use determinations). The procedures addressed in this article include those uses currently used by the City of Menifee as well as new procedures established to facilitate and clarify the processing of land use and development requests.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. These recommendations are specific to general observations made relative to how permit processing and administration are addressed in the existing ordinances. The recommendations directly informed the approach for changes reflected in the draft Article 2 chapters.

1. Determine which permit types and procedures can be improved, eliminated if they add no value, or amended to reflect current practice.
2. Consolidate and organize permit procedures in one location.
3. Clearly define the permit type.
4. Consistently include applicability thresholds.
5. Review and update the permit type required (e.g., permitted by-right, plot plan, conditional use permit) for all allowed uses.
6. Analyze adequacy of development and performance standards as they relate to uses requiring major permit types or discretionary approvals and consider which uses could be reviewed and approved by a lesser review authority than currently required.
7. Establish or formalize procedures to create predictable standards for interpretations and minor exceptions.

# Menifee Development Code Update Summary of Changes

## ARTICLE 2 CHAPTER INDEX

- 9.25: Land Use and Development Approval Requirements**
- 9.30: Common Application Processing Procedures**
- 9.35: Accessory Dwelling Unit Permit**
- 9.40: Conditional Use Permit**
- 9.45: Development Agreement**
- 9.50: General Plan Amendment**
- 9.55: Home Occupation and Home-Based Business Permit**
- 9.60: Large Family Day Care Permit**
- 9.65: Master Sign Program**
- 9.70: Minor Exception**
- 9.75: Planned Development**
- 9.80: Plot Plan**
- 9.85: Reasonable Accommodation**
- 9.90: Sign Permit**
- 9.95: Similar Use Determination**
- 9.100: Specific Plan**
- 9.105: Temporary Use Permit**
- 9.110: Variance**
- 9.115: Zone Change/Zoning Code Amendment**

# Menifee Development Code Update

## Summary of Changes

### ARTICLE 2 SUMMARY OF SIGNIFICANT CHANGES BY CHAPTER

#### Chapter 9.25 Land Use and Development Approval Requirements

##### SUMMARY OF SIGNIFICANT CHANGES

The purpose of this chapter is to clarify general approval requirements for land use and development applications and other approvals. The chapter confirms that land use and development requests must meet the standards as contained in the Development Code and be consistent with the General Plan, and that additional approvals beyond those required through the Community Development Department may be required (e.g., building permits, grading permits, encroachment permits, approvals by other agencies).

One key addition is the formalization of a substantial conformance determination process, which allows the Community Development Director to approve minimal changes to an approved project without requiring that a formal application be filed. This process provides staff with the flexibility to accommodate changing markets and adjustments in project design and to do so with minimal processing.

##### *Key Updates*

- Added a substantial conformance review process
- Confirmed the expectations for approval of land use and development permits

#### Chapter 9.30 Common Application Processing Procedures

##### SUMMARY OF SIGNIFICANT CHANGES

This chapter consolidates all common application processing procedures into one location, minimizing redundancies across chapters. Individual permit chapters (Chapters 9.35 through Chapter 9.115) reference these common procedures where applicable, as most procedures do not vary from application to application. The common procedures addressed in this chapter include:

- Pre-application Review Procedures
- Application and Fee Submittal
- Determination of Completeness
- Application Review and Report
- Public Hearing and Notice
- Approving Authority and Recommending Authority
- Appeal Procedures and Appeal Authority
- Permit Time Limits, Expiration, and Extensions
- Modifications to Previously Approved Permits
- Indemnification for Permit Approvals

##### *Key Updates*

- Consolidated common procedures to minimize redundancy
- Adjusted procedures to reflect current practice and improve flexibility for staff

# Menifee Development Code Update

## Summary of Changes

Many of the procedures are generally consistent with those currently provided for in Title 9 as well as Ordinance No. 348, where still applicable. However, some of the procedures have been updated to reflect best practice or state requirements or have been modified to address specific issues identified by staff and other users of the code, including:

- Formalizing a pre-application review procedure (Section 9.30.30)
- Consolidating extension of time requests (Section 9.30.90)
- Requiring concurrent processing for multiple applications filed on one project (Section 9.30.110)
- Aligning permit expiration dates when applications are processed concurrently (Section 9.30.110)
- Defining types of modifications to previously approved permits and clarifying the process for review (Section 9.30.120)

### Chapters 9.35 through 9.115 Permit Process Chapters

#### SUMMARY OF SIGNIFICANT CHANGES

Chapters 9.35 through 9.115 include the permit procedure chapters, each of which contains the relevant processing information for a particular permit or approval type. Each of these chapters is organized consistently, making information easy to find, and includes the same sections (see inset). Select procedures include additional sections as needed.

Sections reference the procedures in Chapter 9.35 when common application processing procedures apply. For those sections that do not apply to a permit (e.g., appeals for ministerial approvals), this information is confirmed in the relevant section.

Because many of the changes made to the permit chapters are universal, the following table was prepared to summarize each process as compared to the others, with key features noted, including approval authority, appeal eligibility, expiration and extension time frames, and whether the permit can be modified or if a new application is required. Where a new process has been established, it is noted in the table in bold.

#### *Process Chapter Organization*

- Purpose
- Applicability
- Application and Required Fees
- Approving Authority
- Public Hearing and Notice
- Standards of Approval/ Conditions of Approval
- Findings for Approval
- Notice of Decision
- Effective Date
- Appeals
- Expiration
- Extension of Time
- Modifications

# Menifee Development Code Update

## Summary of Changes

**Permit Summary Table**

Ch.	Permit or Approval Type	Type of Action	Approval Authority <sup>1</sup>	Subject to Appeal	Permit Expiration	Extension	Modifications
9.35	Accessory Dwelling Unit Permit	Ministerial	CDD	N	3	3	New application
9.40	Conditional Use Permit, Minor	Discretionary	CDD	Y	3	3	Y
9.40	Conditional Use Permit, Major	Quasi-judicial	PC	Y	3	3	Y
9.45	Development Agreement	Legislative	CC	N	As specified in Agreement	As specified in Agreement	As specified in Agreement
9.50	General Plan Amendment	Legislative	CC	N	NA	NA	New application
9.55	Home Occupation Permit	Ministerial	CDD	N	NA	NA	New application
9.55	Home-Based Business	Discretionary	CDD	Y	1	3	Y
9.60	Large Family Daycare Permit	Ministerial	CDD	N	1	3	New application
9.65	Master Sign Program, Minor	Ministerial	CDD	N	3	3	New application
9.65	Master Sign Program, Major	Discretionary	PC	Y	3	3	Y
9.70	Minor Exception	Discretionary	CDD	Y	1	3	New application
9.115	Planned Development Overlay	Legislative	CC	N	NA	NA	New application
9.75	Planned Development	Discretionary	PC	Y	2	3	Y
9.80	Plot Plan, Minor	Ministerial	CDD	N	3	3/10 <sup>2</sup>	New application
9.80	Plot Plan, Major	Discretionary	PC	Y	3	3/10 <sup>2</sup>	Y
9.85	Reasonable Accommodation	Ministerial	CDD	N	1	3	New application
9.90	Sign Permit	Ministerial	CDD	N	2	3	New application
9.95	Similar Use Determination	Discretionary	CDD	Y	NA	NA	New application
9.100	Specific Plan	Legislative	CC	N	NA	NA	Y
9.105	Temporary Use Permit, Minor	Discretionary	CDD	Y	1	NA	New application
9.105	Temporary Use Permit, Major	Discretionary	CDD	Y	1	NA	New application
9.110	Variance	Quasi-judicial	PC	Y	1	3	New application
9.115	Zone Change/Zoning Code Amendment	Legislative	CC	N	NA	NA	New application

<sup>1</sup> CDD = Community Development Director; PC = Planning Commission; CC = City Council

<sup>2</sup> An extension of 10 years may be granted for Minor Plot Plans and Major Plot Plans permitting commercial and/or Industrial uses, subject to specific findings.



# Menifee Development Code Update

## Summary of Changes

### ARTICLE 3: ZONES

#### Purpose

The Menifee General Plan has 23 land use designations, each with a description of the types of uses and development intended for the designation. As the primary implementing tool, the Zoning Code needs to identify at least one implementing zone per General Plan land use designation. Each zone establishes development standards and identifies the uses allowed within that specific zone.

Article 3: Zones is a collection of chapters organizing individual zones into zone groups with other like zones (e.g., residential, commercial/industrial, economic development corridor). In each chapter, zone-specific development standards have been identified (e.g., setback, height limit, building coverage) as well as use listings that note the required approval type by use for each zone. The uses and standards addressed in this article provide a foundation for where and how uses are permitted in the city, consistent with the General Plan. General Development Regulations (Article 4) and Specific Use Regulations (Article 5) augment the requirements identified in each zone addressed in Article 3.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. These recommendations are specific to general observations made relative to how zones were organized and addressed in the existing ordinances. The recommendations directly informed the approach for changes reflected in the draft Article 3 chapters.

1. Consolidate zones where feasible.
2. Establish new zones as needed to implement General Plan land use designations.
3. Identify at least one, up to two, implementing zones for each General Plan land use designation.
4. Update the Zoning Map to align with the General Plan Land Use Map.
5. Identify a purpose and applicability for each zone that aligns with the intent of the General Plan land use designation it is implementing.
6. Review and amend the allowed use listings for each zone.
7. Eliminate antiquated, unused, and unnecessarily detailed or specific use listings.
8. Organize similar zones into related groups (e.g., residential, commercial, industrial).
9. Organize allowed uses and development standards into comprehensive tables for ease of reference, comparison, modification, and maintenance.

# Menifee Development Code Update

## Summary of Changes

### ARTICLE 3 CHAPTER INDEX

- Chapter 9.120 Establishment of Zones
- Chapter 9.125 Agricultural and Rural Residential Zones
- Chapter 9.130 Residential Zones
- Chapter 9.135 Commercial and Industrial Zones
- Chapter 9.140 Economic Development Corridor Zones
- Chapter 9.145 Open Spaces/Conservation Zones
- Chapter 9.150 Public/Quasi-Public Facility Zones
- Chapter 9.155 Special Planning Areas

### ARTICLE 3 SUMMARY OF SIGNIFICANT CHANGES BY CHAPTER

#### Chapter 9.120 Establishment of Zones

##### SUMMARY OF SIGNIFICANT CHANGES

New implementing zones were created and existing zones were renamed and adjusted to directly align with the General Plan land use designations. The following summarizes significant changes that are generally applicable to the entire chapter and all zones:

- Reduced number of zones from 43 to 28.
- Directly aligned 28 zones with 23 General Plan land use (GPLU) designations (1 zone:1 GPLU except for 5 EDC zones for the EDC GPLU and the LDR-1 and LDR-2 zones to implement the 2.1–5 du/acre Residential designation)
- Removed development standards from use listings
- Noted or referenced special standards for individual uses in the “additional requirements” column in the Table of Allowed Uses and Approval Requirements for each zone group.
- General consolidation and reduction of permitted uses; eliminated overly specific uses in favor of more general use types where they would otherwise be regulated in the same manner.
- Adjusted individual approval requirements to be consistent with the General Plan use descriptions and generally to reduce the level of approval authority where possible.

#### Chapter 9.125 Agricultural and Rural Residential Zones

##### SUMMARY OF SIGNIFICANT CHANGES

The AG and RR zones are derived from the existing A-1 (Light Agriculture), R-A (Residential Agriculture), and R-R (Rural Residential) zones. Significant changes include:

- Eliminated from the RR zone commercial and industrial uses and other uses that are inconsistent with the General Plan land use designation.

# Menifee Development Code Update

## Summary of Changes

- Adjusted the development standards to be more proportionate with the new minimum lot areas to match the General Plan descriptions:
  - AG – 10-acre minimum lot area (vs. 20,000 square feet existing) to match the GP descriptions
  - RM – 10-acre minimum lot area (vs. 0.5-acre and 20,000-square-foot standards)
  - RR5 – 5-acre minimum lot area
  - RR2 – 2-acre minimum lot area
  - RR1 – 1-acre minimum lot area
  - RR1/2 – 0.5-acre minimum lot area
  - Reduced building heights in AG and RR zones from 40 feet/3 stories to 35 feet
- Eliminated the alternate/supplemental maximum height of 50 feet (for accessory structures) in favor of standards for particular features (antennas, steeples, mechanicals, etc.) in Article 4.
- Added maximum building coverage and minimum open space as new standards.
- Incorporation of standards from footnotes into the table (e.g. flag lot frontage, corner side yard)
- Replaced setbacks based on complex formulas (e.g., 10% of lot width, not less than 3 feet, but not more than 5 feet) with single dimension standards.

### Chapter 9.130 Residential Zones

#### SUMMARY OF SIGNIFICANT CHANGES

The zones in the Residential zone group are derived from the existing R-1 (One-Family Dwellings), R-2 (Multiple Family Dwellings), and R-3 (General Residential) zones. Significant changes include:

- Eliminated the alternate/supplemental maximum height of 50 feet (for accessory structures) in favor of Article 4 general site development regulation standards for particular features (antennas, steeples, mechanicals, etc.).
- Added maximum building coverage and minimum open space as new standards.
- Incorporated standards from footnotes into the table (e.g., flag lot frontage, corner side yard).
- Replaced complex setbacks based on formulas (e.g., 10% of lot width, not less than 3 feet, but not more than 5 feet) with single dimension standards.
- Eliminated the R-T mobilehome zone in favor of standard zones that allow mobile/manufactured homes; the R-T zone standards are included special use regulations in Chapter 9.285, Mobilehome Parks.

# Menifee Development Code Update

## Summary of Changes

### Chapter 9.135 Commercial and Industrial Zones

#### SUMMARY OF SIGNIFICANT CHANGES

The zones in the Commercial and Industrial zone group are derived from the existing C-1 (General Commercial), C-O (Commercial Office), I-P (Industrial Park), and M-H (Manufacturing Heavy) zones. Significant changes include:

- Added new standards for:
- Minimum and maximum FAR consistent with the General Plan;
- Minimum frontage requirement;
- Minimum open space; and
- Maximum fences, walls, screening height.
- Renamed, defined, and clarified building coverage vs. "lot coverage."
- Varied development standards for planned developments and single-use developments.
- Varied the minimum front yard based on street type (Arterial, Collector, Local).
- Eliminated the additional 2-foot setback for each foot of height over 35 feet in favor of higher fixed building height.
- Deleted the minimum lot depth standard.

### Chapter 9.140 Economic Development Corridor Zones

#### SUMMARY OF SIGNIFICANT CHANGES

The five EDC zones were established in 2015 and revised in 2017 but were never mapped. Their boundaries are shown on the draft zoning map. Significant changes include:

- Replaced specific manufactured products with defined terms for handwork and light, medium, and heavy manufacturing.
- Improved alignment and consistency between the EDC zones and the commercial and industrial zones.
- Generally made the EDC required minimum yards consistent with their Commercial/Industrial zone analogues.
- Eliminated the EDC only "buffer zone" to residential units which conflicted with minimum and maximum setbacks.
- Eliminated the minimum lot width, depth, and ratio standards.
- Eliminated the minimum interior side yard standard.
- Removed the architectural and subject design guidelines for future incorporation into a design manual independent of the zoning code.

# **Menifee Development Code Update**

## **Summary of Changes**

### **Chapter 9.145 Open Space/Conservation Zones**

#### **SUMMARY OF SIGNIFICANT CHANGES**

The three Open Space zones are all new for Menifee. Each zone is narrowly defined by allowed uses and limited development standards to implement the General Plan designations.

### **Chapter 9.150 Public/Quasi-Public Facility Zones**

#### **SUMMARY OF SIGNIFICANT CHANGES**

PF (Public/Quasi-Public Facilities), PUC (Public Utility Corridor), and RX (Rail) zones are all new for Menifee. Each zone is narrowly defined by allowed uses and limited development standards to implement the General Plan designations.

### **Chapter 9.155 Special Planning Areas**

#### **SUMMARY OF SIGNIFICANT CHANGES**

This chapter will identify and catalogue the planned developments and specific plan communities in Menifee. The chapter will list each development and include unique designations to identify each project on the zoning map and link to records of the unique development standards for each planned development.



# Menifee Development Code Update

## Summary of Changes

### ARTICLE 4: GENERAL DEVELOPMENT REGULATIONS

#### Purpose

The purpose of establishing general development standards is to identify standards that apply more universally to development across zones (e.g., parking standards, landscaping standards, fence and wall requirements). General development regulations also identify standards to address compatibility between differing categories of uses when located proximal to one another (e.g., residential, commercial, industrial).

Article 4: General Development Regulations is a collection of chapters consolidating these general development regulations into one location in the Development Code. General development regulations build on the site-specific development standards identified in the Article 3 chapters for zones (e.g., setback, height limits, building coverage). The standards addressed in this article include those general development standards currently regulated by the City of Menifee as well as new or revised general development regulations.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. These recommendations are specific to general observations made relative to how general development regulations were organized and addressed in the existing ordinances. The recommendations directly informed the approach for changes reflected in the draft Article 4 chapters.

1. Consolidate all general development standards into one location for ease of reference and to minimize redundancies.
2. Review existing general development standards for consistency with the intent of applicable General Plan land use designations and to reflect Menifee goals.
3. Identify additional general development standards that should be addressed in the code update to reflect the needs of Menifee.

# Menifee Development Code Update Summary of Changes

## ARTICLE 4 CHAPTER INDEX

- Chapter 9.160 General Development Standards
- Chapter 9.165 Accessory Structures
- Chapter 9.170 Cluster Development Subdivisions
- Chapter 9.175 Dedications and Improvements
- Chapter 9.180 Density Bonuses, Incentives, and Concessions
- Chapter 9.185 Fences, Walls, and Screening
- Chapter 9.190 Hillside Development Standards
- Chapter 9.195 Landscaping Standards
- Chapter 9.200 Tree Preservation
- Chapter 9.205 Lighting Standards
- Chapter 9.210 Performance Standards
- Chapter 9.215 Parking and Loading Standards
- Chapter 9.220 Sign Regulations
- Chapter 9.225 Waste Storage Facilities
- Chapter 9.230 Utilities

## ARTICLE 4 SUMMARY OF SIGNIFICANT CHANGES BY CHAPTER

### Chapter 9.160 General Development Standards

#### SUMMARY OF SIGNIFICANT CHANGES

The standards of this chapter are mostly new to Menifee. They apply to more than one zone district (residential, commercial, etc.). To eliminate redundancies, these standards have been combined in this chapter. These standards are considered in combination with and generally augment the site-specific standards outlined in the individual zones included in Article 3 (Zones). Significant additions include:

- Standards for the measurement of building height and the different types of yards and setbacks and lot types
- Exceptions to setback requirements
- Permissible encroachments into required yards
- Required street access
- Intersection sight distances
- Illustrative graphics

# Menifee Development Code Update

## Summary of Changes

### Chapter 9.165 Accessory Structures

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter is based on existing Chapter 9.03, Detached Accessory Structures. Significant changes include:

- Replacement of complex setbacks based on formulas (e.g., 10% of lot width, not less than 3 feet, but not more than 5 feet) with single dimension standards.
- Creation of simple development standards for accessory structures.
- Correction and clarification that accessory structures are subject to the smaller of the special setbacks or the standard setbacks for primary structures.
- Addition of new standards and creation of a table of special setbacks for specific types of accessory structures (e.g., accessory dwelling unit, carport, guest dwelling, gazebo, solar equipment, storage shed).
- Addition of new standards for the maximum height of an accessory structure.

### Chapter 9.170 Cluster Development Subdivisions

#### SUMMARY OF SIGNIFICANT CHANGES

Cluster development regulations (also called conservation subdivisions) are an effective tool for efficient land development and for the preservation of open space and sensitive environmental features. In addition to reducing overall land disturbance, cluster developments reduce the construction cost and maintenance of infrastructure and utilities, including roads and water and sewer systems. Clustering is mentioned and encouraged as part of the regulations in existing Chapter 9.12, Slope, Hillside and Ridgeline Development. However, the code does not include any specific authorization, standards, or procedures. This chapter provides those elements and specifically authorizes the Planning Commission to use the cluster development tool wherever it deems appropriate and beneficial to the City of Menifee, not just associated with the protection of slopes, hillsides, and ridgelines. Key standards include:

- This chapter applies to any proposed single-family residential development that would benefit from or achieve one or more of the stated purposes.
- Cluster development subdivisions are permitted for a residential development consisting of 5 or more residential lots.
- The dwelling units permitted may be detached, semidetached, or attached structures, provided there are no more than 6 dwelling units in any single structure if deemed appropriate by the Planning Commission.
- Cluster developments must preserve a minimum of 25% of the land area as open space.
- No increase in the permissible density otherwise allowed.

# Menifee Development Code Update

## Summary of Changes

- Protections and requirements for the ownership, management, and permanent preservation and maintenance of the open space.

### Chapter 9.175 Dedications and Improvements

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter is entirely new to the Menifee code. The purpose of this chapter is to outline procedures to comply with the City's requirements for dedications and improvements for non-subdivision projects. In addition, the chapter identifies procedures for granting a delay, deferral, or waiver for required street dedications and improvements. Key requirements include the construction or funding of streets in accordance with City standards along the frontage of any property subject to construction of new buildings or the expansion or addition of more than 650 square feet to an existing building.

### Chapter 9.180 Density Bonuses, Incentives, and Concessions

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter implements the statutory requirements set forth in Government Code Sections 65915–65918 (known as state density bonus law). Existing Article VIII f, R-6 Zone (Residential Incentive) currently acts as the City's density bonus provisions. The standards have been updated for consistency with the state density bonus law. Projects will no longer be required to rezone to R-6 to implement residential incentives.

### Chapter 9.185 Fences, Walls, and Screening

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter is entirely new to the City of Menifee. The purpose is to regulate the development, installation, and maintenance of private walls and fences and screening within the community.

The standards would be applicable to all new construction with exceptions for walls less than 3 feet in height, residential fences that comply with the standards, and fences and walls required by a state or federal agency. The chapter establishes standards for:

- Use and architectural compatibility
- Visibility
- Blank walls
- Permitted and prohibited materials
- Maintenance
- Maximum height by zone and setback
- Exceptions to the height limits are allowed where necessary for noise attenuation and sport facilities.

# Menifee Development Code Update

## Summary of Changes

### Chapter 9.190 Hillside Development Regulations

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter reflects a significant restructuring of Chapter 9.12, Hillside Development Standards, and Chapter 9.14, Hillside Development Density Transfers, adopted in 2014. The existing regulations contain over 20 pages of standards, guidelines, and recommended tools and techniques for avoiding and minimizing impacts to steep slopes, hillsides, and ridgelines. However, the chapter has proven difficult to administer. Significant changes include:

- Conversion from an overlay district to standards that are applicable to all areas of significant steep slopes, hillsides, and ridgelines.
- Separation and removal of the many pages of best practice tools, techniques, and non-compulsory and objective guidelines from the development standards and requirements of the code; to be included in a separate and future design manual that would be used and maintained separate from the code.
- New standards that limit the maximum disturbance of steep slopes on every lot based on the percentage of the lot containing steep slopes.
- Requirement that newly created lots contain sufficient non-steep area to be developed without encroachment into steep slopes, hillsides, or ridgelines.
- Prevention of development within 200 feet horizontally and 50 feet vertically of ridgelines.
- Encouragement of cluster development subdivisions via Chapter 9.170 as a method to develop property constrained by steep slopes and ridgelines.

### Chapter 9.195 Landscaping Standards

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter contains the provisions of existing Chapter 9.86, Park Design, Landscaping and Tree Preservation, and numerous discrete provisions throughout Ordinance 348. It establishes minimum landscape requirements designed to improve the appearance of the city, consistent with the objectives of the General Plan. These requirements include provisions to reduce heat by providing landscaped areas and shading, improve health and livability, protect existing natural ecosystems, promote efficient use of water, minimize soil erosion, preserve and protect trees, and ensure that landscape installations do not create hazards for motorists or pedestrians. The landscape standards are intended to inform developers, consultants, and the public regarding requirements and procedures for the installation and maintenance of landscaping in Menifee. Significant changes to the existing regulations include:

- Separated the landscaping standards from the tree preservation standards since each was very long and detailed, and functioned independent from the other. Tree preservation standards are now addressed in the proposed Chapter 9.200, Tree Preservation.
- Deleted redundant and excessive tree planting requirements.



# Menifee Development Code Update

## Summary of Changes

- Added bond requirements.
- Corrected erroneous references.

### Chapter 9.200 Tree Preservation

#### SUMMARY OF SIGNIFICANT CHANGES

The purpose of this chapter is to protect trees considered to be a valuable community resource from indiscriminate cutting or removal and to ensure and enhance public health, safety, and welfare through the proper care, maintenance, and preservation of trees. Heritage trees such as those with certain characteristics (age, size, species, location, historical influence, aesthetic quality, or ecological value) are subject to special attention and preservation efforts. The relevant provisions of existing Chapter 9.86, Park Design, Landscaping and Tree Preservation, are carried over to this chapter largely intact.

Significant changes include:

- Separated the landscaping standards from the tree preservation standards since each was very long and detailed, and functioned independent from the other. Landscaping standards are now addressed in the proposed Chapter 9.195, Landscaping Standards.
- Corrected erroneous references.

### Chapter 9.205 Lighting Standards

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter is entirely new to Menifee. It establishes lighting standards based on Leadership in Energy and Environmental Design (LEED) standards to encourage effective, nondetrimental lighting as well as to maintain nighttime safety and security. It is intended to complement the lighting standards and requirements set forth in existing Chapter 6.01, Dark Sky, Light Pollution, of the Menifee Municipal Code. Chapter 6.01 regulates the overall light density on a per acre basis as well as the type of light sources. This chapter focuses on limiting the amount of light that leaves a property as measured at or near the property line. The standards reflect and help preserve the different areas within Menifee, including dark, low, and medium lighting levels for park and rural areas, residential and commercial areas, and industrial and high-density residential areas, respectively.

The proposed standards encourage lighting practices and systems that minimize light pollution, prevent glare and light trespass, conserve energy and resources, and curtail the degradation of the nighttime visual environment. Key elements of the chapter include:

- Applies to all new development and to expansions of existing uses of 10% or more for existing uses and structures.
- Is administered as part of other required approvals.
- Promotes even lighting levels on each site for best visibility.
- Helps to limit escalation of lighting based on adjacent properties.

# Menifee Development Code Update

## Summary of Changes

- Prevents visible light source and glare.

### Chapter 9.210 Performance Standards

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter is new to Menifee. Aside from simple references to avoidance of the creation of nuisances and existing noise standards in existing Chapter 9.09, Noise Control Regulations, adopted in 2014, the existing code does not contain any general performance standards. The proposed standards establish general uniform performance standards applicable to all zones in order to ensure compatibility of operations with surrounding areas and land uses generally. The standards establish baseline requirements for:

- Air quality
- Heat and radiation
- Glare
- Noise
- Vibration
- Hazardous materials
- Property maintenance

### Chapter 9.215 Parking and Loading Standards

#### SUMMARY OF SIGNIFICANT CHANGES

Parking represents one of the major costs to all types of development. Excessive minimum requirements waste land, increase costs, and increase impacts to stormwater quality and flooding, the urban heat island, and energy use. The approach to parking standards has been evolving with the recognition of the costs, particularly on housing affordability, the impact to good urban design, and the rapid growth of electric vehicles, car share and delivery services, and future automation.

The parking standards of existing Ordinance 348, specifically Section 18.12, Off-Street Vehicle Parking, have been carried over mostly intact. The parking standards for several key uses were revised (generally lowered) to reflect more contemporary parking ratios based on Urban Land Institute and Institute of Transportation Engineers standards and to provide flexibility for very small nonresidential lots, vertical mixed-use buildings, and historic buildings. Standards for electric vehicle charging stations and bicycle parking were also added. Significant changes include:

- Reduced many of the standards to be consistent with standards based on studies of actual usage rates and allow the market to determine whether additional spaces in excess of the minimums will be provided for each project, including retail, office, restaurants, multi-family, and planned residential.

# Menifee Development Code Update

## Summary of Changes

- Reduced parking requirements for senior citizen development from matching the multi-family standards based on the number of bedrooms to 1.25 spaces per unit.
- Provided exemption of 2,000 square feet of ground-floor retail in existing mixed-use buildings and existing historic structures, and for existing nonresidential lots smaller than 6,500 square feet.
- Standardized the units of measurement for easy implementation (gross floor area).
- Added illustrative graphics of parking dimensions.
- Replaced standards for parking for accessibility with simple reference to state and federal requirements.
- Added new bike parking standards for multi-family developments as well as electric/alt fuel vehicle requirements.

### Chapter 9.220 Sign Regulations

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter incorporates the existing standards from Chapter 9.76, which had been updated recently. The regulations and standards were reviewed and updated for compliance with recent case law and legislation. Significant changes include:

- Added Community Development Director discretion to allow minor deviations and adjustments to streamline and simplify the process and reduce costs of upgrading new signage.
- Clarified the methods of measurement.

### Chapter 9.225 Waste Storage Facilities

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter establishes standards for the provision and construction of refuse and recyclable materials storage areas to screen the container(s) from public view, maintain any loose debris within the enclosure, and provide a permanent location for the container(s) that will not encroach on driveways, parking, and pedestrian and emergency access areas. The intent of these regulations is to comply with state law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911).

The provisions of this chapter are new to Menifee. They are applicable to all new buildings and developments, as well as to expansions of 10% or greater of existing uses or structures; however, residential projects of 3 units or less and temporary uses are exempt. Standards include a minimum waste storage container based on the size of uses (e.g., 60 square feet for each 10,000 square feet of floor area or portion thereof).

# Menifee Development Code Update

## Summary of Changes

### Chapter 9.230 Utilities

#### SUMMARY OF SIGNIFICANT CHANGES

The provisions of this chapter consolidate and standardize numerous individual and sometimes contradicting requirements throughout the code mandating that utilities be installed underground. In some cases, exceptions to undergrounding are allowed if electrical lines are rated at 33 kv or greater, or if deemed or demonstrated to be too expensive to underground, or to minimize and protect environmental features. Key requirements include:

- Undergrounding for new uses and structures and expansion by 25% or more of existing uses and structures.
- Undergrounding is required on all project sites.
- Undergrounding is required in the rights-of-way based on the size of residential (>10 dwelling units) and commercial or industrial developments (4 or more acres).
- Provisions for deferral of off-site undergrounding are subject to required findings of cost, hardship, and an agreement of payment for future installation.

# Menifee Development Code Update

## Summary of Changes

### ARTICLE 5: SPECIFIC USE REGULATIONS

#### Purpose

The purpose of establishing specific use regulations is to identify uses and assign additional development or operational standards to ensure their compatibility with surrounding uses, to minimize impacts to adjacent properties, and/or to protect the health, safety, and general welfare of the public.

Article 5: Specific Use Regulations is a collection of chapters consolidating these identified uses and their related specific use regulations into one location in the Development Code. Specific use regulations build on the development standards identified in the Article 3 chapters for zones (e.g., setback, height limits, building coverage) and the requirements identified in the Article 4 chapters for general development standards (e.g., parking standards, landscaping standards, fence and wall requirements). The uses addressed in this article include those uses currently regulated by the City of Menifee through specific use regulations as well as those uses proposed for additional or revised specific use regulations.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. These recommendations are specific to general observations made relative to how specific use regulations were organized and addressed in the existing ordinances. The recommendations directly informed the approach for changes reflected in the draft Article 5 chapters.

1. Consolidate all special use regulations into one location for ease of reference and to minimize redundancies.
2. Review and consider licensing requirements when revising or preparing specific use regulations.
3. Review existing specific use regulations for consistency with the intent of applicable General Plan land use designations and to reflect Menifee goals.
4. Identify additional specific uses that should be addressed in the code update to reflect the needs of Menifee.



# Menifee Development Code Update

## Summary of Changes

### ARTICLE 5 CHAPTER INDEX

Chapter 9.235 Animal Keeping

Chapter 9.240 Motor Vehicle and Related Uses

Chapter 9.245 Bed and Breakfast Uses

Chapter 9.250 Alcoholic Beverages Sales, Consumption, and Manufacturing

Chapter 9.255 Home Occupation and Home-Based Businesses

Chapter 9.260 Outdoor Sales, Display, and Dining

Chapter 9.265 Tattoo Establishments

Chapter 9.270 Community Care Facilities

Chapter 9.275 Hookah and Marijuana Uses

Chapter 9.280 Recycling Facilities

Chapter 9.285 Mobilehome Parks

Chapter 9.290 Wireless Communications Facilities

Chapter 9.295 Special Housing Types

### ARTICLE 5 SUMMARY OF SIGNIFICANT CHANGES BY CHAPTER

#### Chapter 9.235 Animal Keeping

##### SUMMARY OF SIGNIFICANT CHANGES

The keeping of animals is important to many residents in Menifee. The purpose of this chapter is to provide reasonable standards for the keeping and raising of animals so that this use does not create an adverse impact on adjacent properties and preserves the city's quality and character. This chapter allows for keeping of animals in limited numbers with reasonable controls and safeguards to protect the character of the community.

All of the existing animal keeping regulations and standards from Ordinance No. 348 have been consolidated into this chapter. The listings of animals and associated uses have been standardized, simplified into more logical categories, including new categories for small, medium, and large animals. The standards differentiate between commercial and noncommercial uses and have been consolidated into a comparative use and standards table for ease of understanding. New uses were added, including apiaries, aviaries, petting zoos, and rescue operations. Special standards are provided for the keeping of fowl, kennels, miniature pigs, aquaculture, and grazing.

##### *Key Updates*

- Consolidated and simplified standards into a table
- Added apiaries, aviaries, rescue operations, and petting zoos as permitted uses
- Clarified commercial and non-commercial standards

# Menifee Development Code Update

## Summary of Changes

### Chapter 9.240 Motor Vehicle and Related Uses

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter establishes new regulations and criteria for the development and operation of certain motor vehicle and related uses as commercial uses, including sales, rentals, storage, repair, car washes, parts and supplies, towing services, and drive-through operations. The intent of the standards is to regulate these uses for compatibility with surrounding uses. Key standards include hours of operation, display of vehicles for rent or sale, landscaping, and screening of storage, preparation, and repair operations.

### Chapter 9.245 Bed and Breakfast Uses

#### SUMMARY OF SIGNIFICANT CHANGES

Bed and breakfast lodging facilities are popular methods of allowing the transition of single-family homes to commercial use. They are currently permitted uses in most zones in Menifee, but without any standards. This chapter provides new, clear development and operational standards to ensure they are operated in such a manner as to protect the character of residential neighborhoods. Key standards include an owner occupancy requirement, a minimum lot area of 40,000 square feet, 14-day maximum stay, food service only to paying guests, and no special events.

### Chapter 9.150 Alcoholic Beverages Sales, Consumption, and Manufacturing

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter establishes standards for businesses engaged in alcoholic beverage sales, consumption, and manufacturing uses to protect the health, safety, and general welfare of the public. This chapter establishes reasonable and uniform standards to prevent the inappropriate location and/or operation of alcoholic beverage sales, consumption, and manufacturing uses within the city. The regulations incorporate the standards of existing Section 9.28.100, Alcohol Beverage Sales. They have been expanded to include the finding of public convenience and necessity for the establishment of new sales facilities as well as specific locational and operational standards for the sale and manufacture of alcohol. All such uses are subject to the California Department of Alcoholic Beverage Control licensing requirements. The manufacture, sale, and consumption of beer and wine are generally allowed as permitted uses, while the sale, manufacture, and consumption of distilled spirits and liquor generally require a Conditional Use Permit.

# Menifee Development Code Update

## Summary of Changes

### Chapter 9.255 Home Occupation and Home-Based Businesses

#### SUMMARY OF SIGNIFICANT CHANGES

To reflect the distinction between those more traditional home occupations (e.g., accountant, piano lessons, seamstress) and businesses that may be appropriate in more rural settings on larger parcels, two different levels of home-operated businesses were established and defined:

- **Home Occupations.** Reflective of the types of businesses currently regulated and allowed through the business license process. Home occupations typically have minimal impact on surrounding properties and may be conducted on any residentially zoned property. Standards for home occupations are generally consistent with those currently provided for in Ordinance No. 348 and in Chapter 9.54, Land Use and Business Registration.
- **Home-Based Businesses.** Reflective of the types of businesses that may include employees from outside the home or increased visits from customers. Home-based businesses also have minimal impact on surrounding properties but allow additional leeway in how business-related activities may be conducted (e.g., activities can be conducted outside the home). The following standards were added to distinguish home-based businesses from home occupations:
  - Up to one non-resident employee is permitted.
  - No more than one home-based business is permitted at each residence.
  - A minimum of 1 acre is required to operate a home-based business.
  - Activities are permitted to occur outside.

#### *Key Updates*

- Added a new level of home-operated business: the home-based business
- Updated definitions for clarity
- Added new standards for home-based businesses

### Chapter 9.260 Outdoor Sales, Display, and Dining

#### SUMMARY OF SIGNIFICANT CHANGES

Outdoor sales, display, and dining are accessory and incidental features of other commercial uses. They can add to the vitality of the use and development and contribute to the quality of life in an area. This chapter establishes clear and simple standards for outdoor display and sales and dining areas to ensure orderly development and easy compliance. The standards included in this chapter apply to the following facilities:

- **Outdoor Dining.** Small outdoor dining facilities are allowed “as of right” with simple compliance with established standards, while larger facilities are

#### *Key Updates*

- Added new standards for as-of-right outdoor dining
- Added new standards for outdoor merchandise display

# Menifee Development Code Update

## Summary of Changes

allowed with approval of new projects or amendment of prior approvals. The new standards ensure clear paths of travel, hours of operation, and cleanliness.

- **Outdoor Merchandise Display.** These displays are allowed without a Temporary Use Permit, provided they comply with simple standards including maintenance of clear paths of access and travel, hours of operation, and size and area limitations.

### Chapter 9.265 Tattoo Establishments

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter reflects the standards from existing Section 9.1, Uses Permitted under Article IX, C-1/C-P Zone (General Commercial) of Ordinance No. 348. No substantive changes were made to the existing development standards.

### Chapter 9.270 Community Care Facilities

#### SUMMARY OF SIGNIFICANT CHANGES

State law requires that local jurisdictions provide for certain care facilities through a ministerial process or with limited discretion, depending on the type and size of the facility. Many of these facility types are allowed in residential neighborhoods, so new standards for those facilities that the City can regulate have been included to address compatibility with surrounding uses. The standards included in this chapter apply to the following facilities, all of which require some level of state licensing:

#### *Key Updates*

- Aligned facility types with state law
- Updated definitions for consistency
- Added new compatibility standards

- **Day Care Centers.** Establishments providing nonmedical care for both children and adults on a less than 24-hour basis. Includes nursery schools, preschools, and day care facilities for children or adults.
- **Group Residential Facilities, Six or More Persons.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes clean and sober living facilities, other types of organizational housing, private residential clubs and farmworker housing, but excludes bed and breakfasts, dormitories, fraternity and sorority houses, boarding homes, rest homes, hotels, motels, and residential care facilities.
- **Residential Care Facilities, Six or More Persons or Elderly Persons.** Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily nonmedical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Includes hospices, nursing homes, convalescent facilities, and group homes for minors and persons with disabilities.

# Menifee Development Code Update

## Summary of Changes

- **Congregate Care Facilities, Six or More Persons.** Establishments that provide 24-hour medical, respite, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness, infirmity, or disability, are unable to care for themselves on an intermediate or long-term basis. Includes rest homes and convalescent hospitals.

Regulations added to address compatibility include:

- Outdoor space requirement
- Compliance with parking standards
- Architectural compatibility with surrounding residential buildings

### Chapter 9.275 Hookah and Marijuana Uses

#### SUMMARY OF SIGNIFICANT CHANGES

Hookah and marijuana uses are currently prohibited in Menifee pursuant to existing Chapter 9.10, Hookah Lounges and Marijuana Cafes. Existing Chapter 9.70, Marijuana Cultivation and Processing, further prohibits uses related to marijuana cultivation and processing, with the exception of specified uses allowed by the Adult Use of Marijuana Act. Chapter 9.275 carries forward the prohibition of those uses addressed in the existing chapters. No substantive changes were made, and no new standards were added.

### Chapter 9.280 Recycling Facilities

#### SUMMARY OF SIGNIFICANT CHANGES

This chapter is based on the standards from existing Chapter 18.47, Recycling Facilities, and applicable to reverse vending machines, recycling collection facilities, and recycling processing facilities. The existing standards were consolidated to eliminate redundancy between each type of use. New standards prohibit unattended collection facilities and outdoor storage.

### Chapter 9.285 Mobilehome Parks

#### SUMMARY OF SIGNIFICANT CHANGES

The California legislature has declared that there is a need to eliminate the distinction between mobilehome development and conventional forms of residential land use. The purpose of this chapter is to establish standards for the development of mobilehome parks, in accordance with Government Code Section 65852.7 and the Mobilehome Parks Act. Mobilehomes and mobilehome parks are currently regulated by Article XIXb, Mobilehomes, and Article XIXc, Mobilehome Parks in Residential Zones, of Ordinance No. 348. The standards in those two articles have been incorporated into this new chapter. New standards have been added typical of other contemporary communities. Significant changes include:



# Menifee Development Code Update

## Summary of Changes

- Mobilehomes/manufactured housing are no longer regulated differently than conventional single-family residential structures.
- The minimum unit and floor area sizes were eliminated.
- New standards for mobilehome parks were added for minimum project site size, internal road access, perimeter walls and landscaping, and a minimum required recreation area per unit.

### Chapter 9.290 Wireless Communications Facilities

#### SUMMARY OF SIGNIFICANT CHANGES

The regulation of wireless communications is heavily regulated by the Federal Communications Commission (FCC), which regularly issues new legislation that affects local zoning regulations. The City has standards in Chapter 9.08, Siting of Wireless Facilities, which appear to supersede older standards in Chapter 19.g of Title 348. The FCC recently issued a new ruling that addressed the regulation of a new type of facility: small cell wireless facilities, which are permitted in the public right-of-way. The FCC ruling restricted certain aspects of how local jurisdictions can regulate these facilities. The existing regulations were updated to address this new facility type and provide standards for their review consistent with federal law. Small cell facilities are now integrated into this chapter and are defined as follows:

#### Key Updates

- Added small cell facilities
- Updated definitions to include small cell facilities
- Added new regulations for small cell facilities in the public right-of-way consistent with recent federal rulings

- **Small Cell Telecommunication Facility.** An unstaffed facility, excluding a satellite dish antenna, that consists of a base station which provides wireless device, data and/or image transmission within a designated service area and may consist of a low-powered access node with no more than five watts of transmitter output power per antenna channel, and may not be larger than a maximum height of three feet and a maximum width of two feet.

These facilities may be placed on public or private structures, including those located within the public right-of-way. The mechanism for review is a Minor Conditional Use Permit. The following standards have been included in this chapter and apply to small cell attachments on structures or poles in the public right-of-way:

- Requirements for the concealment, or stealthing, of the equipment to minimize visual impact.
- Restrictions on placement so as not to impede pedestrian travel or other function within the public right-of-way (e.g., drainage).
- Limitations on size of the small cell attachments and visibility of cables or other hardware.
- Design and quality of equipment.

Standards for other identified types of wireless communications facilities are generally consistent with those currently in Chapter 9.08, Siting of Wireless Facilities.

# Menifee Development Code Update

## Summary of Changes

### Chapter 9.295 Special Housing Types

#### SUMMARY OF SIGNIFICANT CHANGES

State law provides for certain allowances in the regulation of special housing types, including accessory dwelling units. The City's Housing Element requires that single room occupancy units be permitted to provide for additional housing options. This chapter consolidates the special housing types now regulated through specific use and operational standards for the following types of housing:

- **Accessory Dwelling Units.** These are permitted through a ministerial process. The specific use standards included are consistent with the allowances provided for through state law, which does restrict certain aspects of how accessory dwelling units are regulated. Standards for accessory dwelling units are generally consistent with those currently provided for in Chapter 9.43, Accessory Dwelling Units, except where amended for consistency with recent legislation.
- **Guest Living Quarters.** The City currently allows guest dwellings. The term was updated for clarity, as guest dwellings are not independent living facilities (e.g., allow kitchen facilities), so the term was misleading. Standards for guest living quarters are generally consistent with those currently in Chapter 9.02, Guest Dwellings.
- **Single Room Occupancy.** These are units that allow one or two persons and may provide individual or shared kitchen and bath facilities. They are rented for 30 days or longer. The state does not strictly limit how single room occupancy units are regulated. Standards were added to address the following development and operational standards for these types of housing units:
  - On-site management requirements
  - Unit size standards
  - Individual entrance requirements
  - Provisions for common areas

#### *Key Updates*

- Identified special housing types appropriate for specific regulations
- Updated definitions for clarity
- Added or updated special housing types and related standards to comply with state law

# Menifee Development Code Update

## Summary of Changes

### ARTICLE 6: DEFINITIONS

#### Purpose

The purpose of the definitions is to clarify terms used in Title 9 (Planning and Zoning). Article 6: Definitions contains two chapters of definitions: one organized around general terms used throughout the code and one organized around terms typically used only in relation to specific uses.

#### Audit Report Recommendations

The following are those recommendations made in the Audit Report, as presented to the City Council and Planning Commission in June 2018. The following recommendation is specific to general observations made relative to how the definitions are currently addressed in the existing ordinances and directly informed the approach for changes reflected in the draft Article 6 chapters.

1. Consolidate and update definitions for clarity and applicability for terms used in the code.

### ARTICLE 6 CHAPTER INDEX

**9.300: Universal Definitions**

**9.305: Special Standard and Use Definitions**

### ARTICLE 6 SUMMARY OF SIGNIFICANT CHANGES BY CHAPTER

#### Chapters 9.300 and 9.305 Definition Chapters

##### SUMMARY OF SIGNIFICANT CHANGES

All definitions in Title 9 have been consolidated into one of two chapters:

- Chapter 9.300, Universal Definitions, which contains general use or process terms (e.g., appeal, dwelling, lot) or terms that provide some direction in how code provisions may be interpreted (e.g., abut, nonconforming use).
- Chapter 9.305, Special Standard and Use Definitions, which contains terms related to certain specific regulated uses in Article 5 (Specific Regulated Uses). The definitions in this chapter are intended to apply in addition to those terms defined in Chapter 9.300, Universal Definitions. Where terms are defined in this chapter, they are organized in sections that are named consistent with the specific use regulations chapter they support (e.g., Animal Keeping, Density Bonus, Signs).

Where terms included in either Chapter 9.300 or Chapter 9.305 were already defined in the existing Title 9 chapters adopted by the City of Menifee or in Ordinance No. 348, the term was generally carried over, except where changes were necessary to:

# **Menifee Development Code Update**

## **Summary of Changes**

- **Remove standards from the definitions. Standards will have been integrated into the relevant chapter, typically in Article 3 (Zones), Article 4 (General Development Regulations), or Article 5 (Specific Use Regulations).**
- **Update or add a definition for consistency with state law or with the certified Housing Element (e.g., single room occupancy, transitional housing).**
- **Update or add a definition to reflect a shift in approach in the proposed regulations (e.g., home-operated business, guest living quarters).**

**NOTICE OF PUBLIC HEARING  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the application described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. For more information please contact **ALUC Planner John Guerin at (951) 955-0982**. The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan.

The City of Menifee will hold hearings on this item and should be contacted on non-ALUC issues. For more information please contact City of Menifee Planner Ms. Lisa Gordon at (951) 723-3739.

The proposed project application may be viewed and written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, California 92501, Monday through Thursday from 8:00 a.m. to 5:00 p.m., except Thursday, July 4 (Independence Day), and by prescheduled appointment on Fridays from 9:00 a.m. to 5:00 p.m.

PLACE OF HEARING:           Riverside County Administration Center  
  4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
  Riverside California

DATE OF HEARING:           July 11, 2019

TIME OF HEARING:           9:30 A.M.

**CASE DESCRIPTION:**

**ZAP1038RG19 – City of Menifee (Representative: Lisa Gordon) – Comprehensive Development Code Update and New Zoning Map.** A proposal by the City of Menifee to adopt a Comprehensive Development Code, consisting of new Zoning, Subdivision, and Grading Ordinances, and a new Zoning Map to bring zoning of properties into consistency with their General Plan designations. (Compatibility Zones D and E of the March Air Reserve Base/Inland Port Airport Influence Area and Compatibility Zone E of the Perris Valley Airport Influence Area)





# RIVERSIDE COUNTY

## AIRPORT LAND USE COMMISSION

### APPLICATION FOR MAJOR LAND USE ACTION REVIEW

ALUC CASE NUMBER: ZAP1038RG19 DATE SUBMITTED: 4-25-19

#### APPLICANT / REPRESENTATIVE / PROPERTY OWNER CONTACT INFORMATION

Applicant City of Menifee Phone Number (951) 723-3739  
Mailing Address 29844 Haun Road Email lgordon@cityofmenifee.us  
Menifee, CA 92586  
Attn: Lisa Gordon

Representative Same as above Phone Number \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

Property Owner Same as above Phone Number \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Email \_\_\_\_\_

#### LOCAL JURISDICTION AGENCY

Local Agency Name Same as above Phone Number \_\_\_\_\_  
Staff Contact \_\_\_\_\_ Email \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Case Type \_\_\_\_\_  
 General Plan / Specific Plan Amendment  
 Zoning Ordinance Amendment  
 Subdivision Parcel Map / Tentative Tract  
Local Agency Project No Comprehensive Development Code Update - No ordinance  Use Permit  
numbers have been assigned at this time  Site Plan Review/Plot Plan  
 Other

#### PROJECT LOCATION

*Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways*

Street Address Citywide  
Assessor's Parcel No. Citywide Gross Parcel Size \_\_\_\_\_  
Subdivision Name \_\_\_\_\_ Nearest Airport and  
Lot Number \_\_\_\_\_ distance from Air-  
port \_\_\_\_\_

#### PROJECT DESCRIPTION

*If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed*

Existing Land Use (describe) The City of Menifee adopted Riverside County Ordinances No. 348, No. 460, and No. 457 upon incorporation and there have been several updates to the zoning code and grading ordinances since that time.

Proposed Land Use (describe)	The City of Menifee is in the process of creating comprehensive "Menifee-specific" zoning, subdivision, and grading ordinances that are consistent with and implement the adopted 2013 General Plan. The regulations will be crafted to be user-friendly and help the City and applicants to achieve the vision, goals, and objective of the General Plan while establishing clear procedures for the development review process.		
For Residential Uses	Number of Parcels or Units on Site (exclude secondary units) _____		
For Other Land Uses (See Appendix C)	Hours of Operation _____		
	Number of People on Site _____	Maximum Number _____	
	Method of Calculation _____		
Height Data	Site Elevation (above mean sea level) _____		ft.
	Height of buildings or structures (from the ground) _____		ft.
Flight Hazards	Does the project involve any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?		<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, describe _____ _____ _____		

- A. NOTICE:** Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive, of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.
- B. REVIEW TIME:** Estimated time for "staff level review" is approximately 30 days from date of submittal. Estimated time for "commission level review" is approximately 45 days from date of submittal to the next available commission hearing meeting.
- C. SUBMISSION PACKAGE:**
1. . . . . Completed ALUC Application Form
  1. . . . . ALUC fee payment
  1. . . . . Plans Package (24x36 folded) (site plans, floor plans, building elevations, grading plans, subdivision maps)
  1. . . . . Plans Package (8.5x11) (site plans, floor plans, building elevations, grading plans, subdivision maps, zoning ordinance/GPA/SPA text/map amendments)
  1. . . . . CD with digital files of the plans (pdf)
  1. . . . . Vicinity Map (8.5x11)
  1. . . . . Detailed project description
  1. . . . . Local jurisdiction project transmittal
  3. . . . . Gummed address labels for applicant/representative/property owner/local jurisdiction planner
  3. . . . . Gummed address labels of all surrounding property owners within a 300 foot radius of the project site. **(Only required if the project is scheduled for a public hearing Commission meeting)**



**TITLE 9: PLANNING AND ZONING** .....15

**ARTICLE 1: GENERAL PROVISIONS**.....15

**Chapter 9.01 Purpose and Applicability**.....15

        9.01.010 Title.....15

        9.01.020 Purpose and Intent .....15

        9.01.030 Authority.....16

        9.01.040 Applicability .....16

        9.01.050 Conflicting Requirements .....16

        9.01.060 Status of Covenants and Agreements .....17

        9.01.070 Severability .....17

**Chapter 9.05 Administrative Responsibilities** .....17

        9.05.010 Purpose.....17

        9.05.020 Planning Agency .....17

**Chapter 9.10 Rules of Interpretation** .....18

        9.10.010 Purpose.....18

        9.10.020 Interpretation of Code Provisions .....18

        9.10.030 Rules of Interpretation .....19

**Chapter 9.15 Nonconforming Uses and Structures** .....20

        9.15.010 Purpose.....20

        9.15.020 Continuing Existing Nonconforming Uses and Structures .....20

        9.15.030 Nonconforming Use of Land .....21

        9.15.040 Nonconforming Use of Structures .....21

        9.15.050 Improvement of Nonconforming Uses .....22

        9.15.060 Nonconforming Structures .....22

        9.15.070 Reconstruction of Damaged Nonconforming Structures .....22

        9.15.080 New Structures on Nonconforming Lots .....23

**Chapter 9.20: Enforcement**.....23

        9.20.010 Purpose.....24

        9.20.020 Authority to Enforce .....24

        9.20.030 Violations and Enforcement .....24

        9.20.040 Revocation or Modification .....24

**ARTICLE 2: ADMINISTRATION, PERMITS, AND PROCEDURES**.....25

**Chapter 9.25 Land Use and Development Approval Requirements** .....26

        9.25.010 Purpose .....26

        9.25.020 Requirements for Development and New Land Uses .....26

        9.25.030 Consistency with the General Plan .....27

        9.25.040 Substantial Conformance Determination .....27

        9.25.050 Additional Approvals May Be Required .....28

        9.25.060 Inspections .....28

**CHAPTER 9.30 COMMON APPLICATION PROCESSING PROCEDURES** .....28

    9.30.010 Purpose and Applicability .....29

    9.30.020 Applications and Fees .....29

    9.30.030 Pre-Application Review .....29

    9.30.040 Initiation of Application .....30

    9.30.050 Withdrawal of Application.....30

    9.30.060 Determination of Completeness .....30

    9.30.070 Application Review and Report .....31

    9.30.080 Public Hearing and Notice .....31

    9.30.090 Approving Authority .....34



9.30.100 Appeals .....	35
9.30.110 Permit Time Limits, Expiration, and Extensions.....	36
9.30.120 Modifications to Previously Approved Permits .....	37
9.30.130 Reapplications .....	38
9.30.140 Indemnification and Hold Harmless for Permits and Approvals.....	39
Chapter 9.35 Accessory Dwelling Unit Permit .....	39
9.35.010 Purpose.....	39
9.35.020 Applicability .....	40
9.35.030 Application and Required Fees .....	40
9.35.040 Approving Authority .....	40
9.35.050 Public Hearing and Notice .....	40
9.35.060 Standards of Approval .....	40
9.35.070 Findings for Approval.....	40
9.35.080 Notice of Decision.....	40
9.35.090 Effective Date .....	40
9.35.100 Appeals .....	41
9.35.110 Expiration.....	41
9.35.120 Extension of Time .....	41
9.35.130 Modifications .....	41
Chapter 9.40 Conditional Use Permit .....	41
9.40.010 Purpose.....	41
9.40.020 Applicability .....	42
9.40.030 Application and Required Fees .....	42
9.40.040 Approving Authority .....	43
9.40.050 Public Hearing and Notice .....	43
9.40.060 Conditions of Approval.....	43
9.40.070 Findings for Approval.....	43
9.40.080 Notice of Decision.....	44
9.40.090 Effective Date .....	44
9.40.100 Appeals .....	44
9.40.110 Expiration.....	44
9.40.120 Extension of Time .....	44
9.40.130 Modifications.....	44
Chapter 9.45 Development Agreement.....	45
9.45.010 Purpose.....	45
9.45.020 Applicability .....	45
9.45.030 Application and Required Fees .....	46
9.45.040 Approving Authority .....	46
9.45.050 Public Hearing and Notice .....	46
9.45.060 Alterations .....	46
9.45.070 Findings for Approval.....	46
9.45.080 Notice of Decision.....	47
9.45.090 Effective Date .....	47
9.45.100 Appeals .....	47
9.45.110 Expiration.....	47
9.45.120 Extension of Time .....	47
9.45.130 Modifications.....	47
9.45.140 Required Content .....	47
9.45.150 Execution and Recordation.....	48



9.45.160 Annual Review .....	48
9.45.170 Violation of Agreement .....	48
Chapter 9.50 General Plan Amendment .....	48
9.50.010 Purpose.....	49
9.50.020 Applicability .....	49
9.50.030 Application and Required Fees .....	49
9.50.040 Approving Authority .....	49
9.50.050 Public Hearing and Notice .....	49
9.50.060 Alterations .....	49
9.50.070 Findings for Approval.....	50
9.50.080 Notice of Decision.....	50
9.50.090 Effective Date .....	50
9.50.100 Appeals .....	50
9.50.110 Expiration.....	50
9.50.120 Extension of Time .....	50
9.50.130 Amendments .....	50
9.50.140 Frequency of Amendments .....	50
9.50.150 Additional Notice Required .....	50
Chapter 9.55 Home Occupation Permit and Home-Based Business Permit .....	51
9.55.010 Purpose.....	51
9.55.020 Applicability .....	51
9.55.030 Application and Required Fees .....	52
9.55.040 Approving Authority .....	52
9.55.050 Public Hearing and Notice .....	52
9.55.060 Standards and Conditions of Approval .....	52
9.55.070 Findings for Approval.....	52
9.55.080 Notice of Decision.....	53
9.55.090 Effective Date .....	53
9.55.100 Appeals .....	53
9.55.110 Expiration.....	53
9.55.120 Extension of Time .....	54
9.55.130 Modifications.....	54
9.55.140 Transferability.....	54
Chapter 9.60 Large Family Day Care Home Permit.....	54
9.60.010 Purpose.....	54
9.60.020 Applicability .....	55
9.60.030 Application and Required Fees .....	55
9.60.040 Approving Authority .....	55
9.60.050 Public Hearing and Notice .....	55
9.60.060 Standards of Approval .....	55
9.60.070 Findings for Approval.....	55
9.60.080 Notice of Decision.....	55
9.60.090 Effective Date .....	56
9.60.100 Appeals .....	56
9.60.110 Expiration.....	56
9.60.120 Extension of Time .....	56
9.60.130 Modifications.....	56
9.60.140 Standards of Approval .....	56
Chapter 9.65 Master Sign Program.....	57





9.65.010 Purpose.....	57
9.65.020 Applicability .....	57
9.65.030 Application and Required Fees .....	57
9.65.040 Approving Authority .....	58
9.65.050 Public Hearing and Notice .....	58
9.65.060 Standards and Conditions of Approval .....	58
9.65.070 Findings for Approval.....	58
9.65.080 Notice of Decision.....	59
9.65.090 Effective Date .....	59
9.65.100 Appeals .....	59
9.65.110 Expiration.....	59
9.65.120 Extension of Time .....	59
9.65.130 Modifications.....	59
Chapter 9.70 Minor Exception .....	59
9.70.010 Purpose.....	60
9.70.020 Applicability .....	60
9.70.030 Application and Required Fees .....	60
9.70.040 Approving Authority .....	61
9.70.050 Public Hearing and Notice .....	61
9.70.060 Conditions of Approval .....	61
9.70.070 Findings for Approval.....	61
9.70.080 Notice of Decision.....	61
9.70.090 Effective Date .....	61
9.70.100 Appeals .....	62
9.70.110 Expiration.....	62
9.70.120 Extension of Time .....	62
9.70.130 Modifications.....	62
Chapter 9.75 Planned Development.....	62
9.75.010 Purpose.....	62
9.75.020 Applicability .....	63
9.75.030 Application and Required Fees .....	63
9.75.040 Approving Authority .....	63
9.75.050 Public Hearing and Notice .....	63
9.75.060 Conditions of Approval .....	63
9.75.070 Findings for Approval.....	64
9.75.080 Notice of Decision.....	64
9.75.090 Effective Date .....	64
9.75.100 Appeals .....	64
9.75.110 Expiration.....	64
9.75.120 Extension of Time .....	64
9.75.130 Amendments .....	64
9.75.140 Implementation.....	65
Chapter 9.80 Plot Plan .....	65
9.80.010 Purpose.....	65
9.80.020 Applicability .....	66
9.80.030 Application and Required Fees .....	67
9.80.040 Approving Authority .....	67
9.80.050 Public Hearing and Notice .....	67
9.80.060 Standards and Conditions of Approval.....	67



9.80.070 Findings for Approval.....	67
9.80.080 Notice of Decision.....	68
9.80.090 Effective Date .....	68
9.80.100 Appeals .....	68
9.80.110 Expiration.....	68
9.80.120 Extension of Time .....	68
9.80.130 Modifications.....	68
Chapter 9.85 Reasonable Accommodation .....	69
9.85.010 Purpose.....	69
9.85.020 Applicability .....	69
9.85.030 Application and Required Fees .....	69
9.85.040 Approving Authority .....	70
9.85.050 Public Hearing and Notice .....	70
9.85.060 Conditions of Approval .....	70
9.85.070 Findings for Approval.....	70
9.85.080 Notice of Decision.....	70
9.85.090 Effective Date .....	71
9.85.100 Appeals .....	71
9.85.110 Expiration.....	71
9.85.120 Extension of Time .....	71
9.85.130 Modifications.....	71
9.85.140 Consideration Factors.....	71
Chapter 9.90 Sign Permit .....	72
9.90.010 Purpose.....	72
9.90.020 Applicability .....	72
9.90.030 Application and Required Fees .....	72
9.90.040 Approving Authority .....	72
9.90.050 Public Hearing and Notice .....	73
9.90.060 Standards of Approval .....	73
9.90.070 Findings for Approval.....	73
9.90.080 Notice of Decision.....	73
9.90.090 Effective Date .....	73
9.90.100 Appeals .....	73
9.90.110 Expiration.....	73
9.90.120 Extension of Time .....	73
9.90.130 Modifications.....	73
Chapter 9.95 Similar Use Determination .....	74
9.95.010 Purpose.....	74
9.95.020 Applicability .....	74
9.95.030 Application and Required Fees .....	74
9.95.040 Approving Authority .....	74
9.95.050 Public Hearing and Notice .....	74
9.95.060 Standards of Approval .....	75
9.95.070 Findings for Approval.....	75
9.95.080 Notice of Decision.....	75
9.95.090 Effective Date .....	75
9.95.100 Appeals .....	75
9.95.110 Expiration.....	75
9.95.120 Extension of Time .....	75



9.95.130 Modifications .....	75
9.95.140 Record of Determinations .....	76
Chapter 9.100 Specific Plan .....	76
9.100.010 Purpose.....	76
9.100.020 Applicability .....	76
9.100.030 Application and Required Fees .....	77
9.100.040 Approving Authority .....	77
9.100.050 Public Hearing and Notice .....	77
9.100.060 Alterations .....	77
9.100.070 Findings for Approval.....	77
9.100.080 Notice of Decision.....	78
9.100.090 Effective Date .....	78
9.100.100 Appeals .....	78
9.100.110 Expiration.....	78
9.100.120 Extension of Time .....	78
9.100.130 Modifications.....	78
9.100.140 Specific Plan Content.....	78
9.100.150 Adoption .....	78
9.100.160 Relationship to this Title .....	79
Chapter 9.105 Temporary Use Permit .....	79
9.105.010 Purpose.....	79
9.105.020 Applicability .....	79
9.105.030 Application and Required Fees .....	80
9.105.040 Approving Authority .....	81
9.105.050 Public Hearing and Notice .....	81
9.105.060 Conditions of Approval .....	81
9.105.070 Findings for Approval.....	81
9.105.080 Notice of Decision.....	81
9.105.090 Effective Date .....	82
9.105.100 Appeals .....	82
9.105.110 Expiration.....	82
9.105.120 Extension of Time .....	82
9.105.130 Modifications.....	82
9.105.140 Transferability.....	82
9.105.150 Standards of Approval – General.....	82
9.105.160 Standards of Approval – Standards by Activity/Use .....	83
Chapter 9.110 Variance .....	84
9.110.010 Purpose.....	85
9.110.020 Applicability .....	85
9.110.030 Application and Required Fees .....	85
9.110.040 Approving Authority .....	85
9.110.050 Public Hearing and Notice .....	85
9.110.060 Conditions of Approval .....	86
9.110.070 Findings for Approval.....	86
9.110.080 Notice of Decision.....	86
9.110.090 Effective Date .....	86
9.110.100 Appeals .....	86
9.110.110 Expiration.....	87
9.110.120 Extension of Time .....	87



9.110.130 Modifications.....	87
Chapter 9.115 Zone Change/Zoning Code Amendment.....	87
9.115.010 Purpose.....	87
9.115.020 Applicability.....	87
9.115.030 Application and Required Fees.....	87
9.115.040 Approving Authority.....	88
9.115.050 Public Hearing and Notice.....	88
9.115.060 Alterations.....	88
9.115.070 Findings for Approval.....	88
9.115.080 Notice of Decision.....	88
9.115.090 Effective Date.....	89
9.115.100 Appeals.....	89
9.115.110 Expiration.....	89
9.115.120 Extension of Time.....	89
9.115.130 Modifications.....	89
9.115.140 Prezoning.....	89
ARTICLE 3: ZONES.....	89
Chapter 9.120 Establishment of Zones.....	89
9.120.010 Purpose.....	90
9.120.020 Zones Established.....	90
9.120.030 Zoning Map Established.....	91
9.120.040 Consistency with the General Plan.....	91
Chapter 9.125 Agricultural and Rural Residential Zones.....	91
9.125.010 Purpose.....	91
9.125.020 Description and Intent of Zone.....	91
9.125.030 Allowed Uses and Approval Requirements.....	91
9.125.040 Development Standards.....	95
Chapter 9.130 Residential Zones.....	95
9.130.010 Purpose.....	96
9.130.020 Description and Intent of Zone.....	96
9.130.030 Allowed Uses and Approval Requirements.....	96
9.130.040 Development Standards.....	99
Chapter 9.135 Commercial and Industrial Zones.....	100
9.135.010 Purpose.....	100
9.135.020 Description and Intent of Zone.....	100
9.135.030 Allowed Uses and Approval Requirements.....	101
9.135.040 Development Standards.....	108
Chapter 9.140 Economic Development Corridor Zones.....	110
9.140.010 Purpose.....	110
9.140.020 Description and Intent of Zone.....	110
9.140.030 Allowed Uses and Approval Requirements.....	111
9.140.040 Development Standards.....	117
Chapter 9.145 Open Space/Conservation Zones.....	119
9.145.010 Purpose.....	119
9.145.020 Description and Intent of Zone.....	119
9.145.030 Allowed Uses and Approval Requirements.....	119
9.145.040 Development Standards.....	121
Chapter 9.150 Public/Quasi-Public Facilities.....	121
9.150.010 Purpose.....	122



9.150.020 Description and Intent of Zone.....	122
9.150.030 Allowed Uses and Approval Requirements .....	122
9.150.040 Development Standards .....	124
Chapter 9.155 Special Planning Areas .....	124
9.155.010 Purpose.....	124
9.155.020 Adopted Specific Plans .....	124
9.155.030 Planned Development Districts .....	125
ARTICLE 4: SITE DEVELOPMENT REGULATIONS AND PERFORMANCE STANDARDS.....	125
Chapter 9.160 General Development Standards .....	125
9.160.010 Purpose.....	125
9.160.020 Applicability .....	126
9.160.030 Setback Requirements and Exceptions.....	126
9.160.040 Building Height Measurements and Exceptions .....	128
9.160.050 Access .....	129
9.160.060 Intersection Sight Distance .....	129
Chapter 9.165 Accessory Structures .....	130
9.165.010 Purpose.....	130
9.165.020 Applicability .....	130
9.165.030 Development Standards .....	130
9.165.040 Permit Requirements.....	132
9.165.050 New Metal Shipping Containers Prohibited .....	132
9.165.060 Existing Registered Metal Shipping Containers .....	132
9.165.070 Placement Standards for Metal Shipping Containers .....	132
9.165.080 Removal of Metal Shipping Containers .....	133
Chapter 9.170 Cluster Development Subdivisions.....	133
9.170.010 Purpose.....	133
9.170.020 Authorization.....	133
9.170.030 Applicability .....	134
9.170.040 Development Standards .....	134
Chapter 9.175 Dedications and Improvements .....	135
9.175.010 Purpose.....	135
9.175.020 Applicability .....	135
9.175.030 Project Review and Permit Requirements .....	136
9.175.040 General Dedication and Improvement Requirements .....	136
9.175.050 Single-Family Residential Dedication and Improvement Requirements .....	136
9.175.060 Multi-Family, Commercial and Industrial Dedication and Improvement Requirements.....	137
9.175.070 Delay, Deferral or Waiver of Street Dedications and Improvements .....	137
Chapter 9.180 Density Bonuses, Incentives, and Concessions .....	138
9.180.010 Purpose.....	139
9.180.020 Applicability .....	139
9.180.030 Eligibility for Density Bonus and Incentives .....	139
9.180.040 Application and Required Fees .....	139
9.180.050 Effect of Proposal for Waiver or Reduction of Development Standards.....	140
9.180.060 Density Bonus Allowance for Housing Development with Affordable Housing Component .....	140
9.180.070 Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility .....	141
9.180.080 Density Bonus for Senior Citizen Housing Development.....	141
9.180.090 Density Bonus for Housing Development with Affordable Housing Component for Transitional Foster Youth, Disabled Veterans, or Homeless Persons.....	141





9.180.100 Density Bonus for Student Housing Development with Affordable Housing Component .....	142
9.180.110 Density Bonus for Land Donations .....	142
9.180.120 Affordable Housing Incentives.....	143
9.180.130 Number of Incentives Granted .....	144
9.180.140 Criteria for Denial of Application for Incentives .....	145
9.180.150 Waiver or Modification of Development Standards.....	145
9.180.160 Parking Standard Modifications for Qualified Housing Developments .....	146
9.180.170 Density Bonus and Affordable Housing Incentive Program.....	148
9.180.180 Determination on Density Bonus and Affordable Housing Incentive Program Requirements.....	149
9.180.190 Affordable Housing Agreement and Equity Sharing Agreement .....	150
9.180.200 Density Bonus or Incentives for Condominium Conversion Projects .....	152
9.180.210 Enforcement Provisions.....	153
Chapter 9.185 Fences, walls and screening .....	154
9.185.010 Purpose.....	154
9.185.020 Applicability .....	154
9.185.030 Exemptions .....	154
9.185.040 General Development Standards .....	154
9.185.050 Exceptions.....	156
9.185.060 Screening and Special Wall and Fencing Requirements .....	156
Chapter 9.190 Hillside Development Standards .....	159
9.190.010 Purpose.....	159
9.190.020 Applicability .....	159
9.190.030 Exemptions .....	160
9.190.040 Plot Plan Approval .....	161
9.190.050 Application Requirements .....	161
9.190.060 Development Standards .....	162
9.190.070 Relief from Development Standards .....	163
Chapter 9.195 Landscaping Standards.....	164
9.195.010 Purpose.....	164
9.195.020 Applicability .....	164
9.195.030 Landscape and Irrigation Plans .....	165
9.195.040 Landscape Requirements .....	166
9.195.050 Additional Requirements for Residential Areas.....	168
9.195.060 Removal and Replacement of Required Landscaping .....	169
9.195.070 Maintenance Requirements and Violations .....	169
9.195.080 Park Development Design Plans .....	170
9.195.090 Water- Efficient Landscaping.....	171
9.195.100 Violations.....	171
9.195.110 Appeals .....	171
Chapter 9.200 Tree Preservation .....	172
9.200.010 Purpose.....	172
9.200.020 Applicability .....	173
9.200.030 Tree Preservation Requirements.....	173
9.200.040 Heritage Tree Replacement.....	175
9.200.050 Protection of Existing Trees.....	175
9.200.060 Tree Maintenance .....	176
9.200.070 Violations .....	177
9.200.080 Appeals .....	177
Chapter 9.205 Lighting Standards.....	178



9.205.010 Purpose.....	178
9.205.020 Applicability .....	178
9.205.030 Permit Requirements.....	179
9.205.040 Exempt Lighting .....	179
9.205.050 Prohibited Lighting .....	179
9.205.060 General Lighting Standards.....	179
9.205.070 Outdoor Lighting Plan Requirements .....	181
Chapter 9.210 Performance Standards.....	181
9.210.010 Purpose.....	181
9.210.020 Applicability .....	181
9.210.030 Air Quality.....	182
9.210.040 Heat Radiation and Electromagnetic Disturbances .....	183
9.210.050 Glare .....	183
9.210.060 Noise Control Regulations .....	183
9.210.070 Vibrations .....	186
9.210.080 Property Maintenance.....	186
9.210.090 Hazardous Materials.....	186
Chapter 9.215 Parking and Loading Standards .....	188
9.215.010 Purpose.....	188
9.215.020 Applicability .....	188
9.215.030 Application Requirements .....	188
9.215.040 Development Standards .....	189
9.215.050 Parking Requirements for Uses Not Specified .....	199
9.215.060 Request for Modifications from Parking Standards.....	199
9.215.070 Alternative Programs for Parking .....	199
9.215.080 Parking Lot Landscape .....	200
9.215.090 Special Review of Parking .....	200
9.215.100 Electric/Alternative Fuel Vehicle Parking Requirement .....	200
9.215.110 Recreational Vehicle Parking .....	201
Chapter 9.220 Sign Regulations .....	201
9.220.010 Purpose.....	201
9.220.020 Applicability .....	202
9.220.030 Types of Sign Permits.....	202
9.220.040 Prohibited Signs .....	202
9.220.050 Signs Exempt from Permit Requirement .....	203
9.220.060 Application Process .....	205
9.220.070 Appeals .....	206
9.220.080 Administrative Relief .....	207
9.220.090 Sign Violations and Enforcement.....	208
9.220.100 General Regulations .....	208
9.220.110 Message Substitution .....	209
9.220.120 Sign Measurement Standards .....	210
9.220.130 Permanent On-Site Sign Standards .....	210
9.220.140 Temporary On-Site Commercial Sign Standards.....	216
9.220.150 Off-Site Commercial Signage .....	217
9.220.160 Electronic Display Signs .....	218
9.220.170 Nonconforming Signs and Abandoned Signs .....	219
Chapter 9.225 Waste Storage Facilities .....	219
9.225.010 Purpose.....	219



9.225.020 Applicability .....	220
9.225.030 Permit Requirements and Exemptions .....	220
9.225.040 Development Standards .....	220
Chapter 9.230 Utilities .....	221
9.230.010 Purpose.....	221
9.230.020 Applicability .....	222
9.230.030 Development Standards – Residential.....	222
9.230.040 Development Standards – Commercial and Industrial .....	222
9.230.050 Deferral of Undergrounding .....	222
ARTICLE 5: SPECIAL USE STANDARDS.....	223
Chapter 9.235 Animal Keeping .....	223
9.235.010 Purpose.....	224
9.235.020 Applicability .....	224
9.235.030 Keeping of Animals .....	224
9.235.040 Fowl .....	226
9.235.050 Kennels .....	227
9.235.060 Miniature Pigs.....	228
9.235.070 Animal Maturity.....	228
9.235.080 Animal Grazing .....	229
Chapter 9.240 Motor Vehicle and Related Uses .....	229
9.240.010 Purpose.....	229
9.240.020 Applicability .....	229
9.240.030 Motor Vehicle and Related Uses – General.....	229
9.240.040 Vehicle Rentals .....	230
9.240.050 Vehicle Sales .....	230
9.240.060 Vehicle Parts and Supply Stores .....	232
9.240.070 Vehicle Repairs and Service.....	232
9.240.080 Vehicle Storage.....	232
9.240.090 Drive-Through and Drive-In Facilities .....	233
9.240.100 Towing Services .....	234
9.240.110 Car Washes.....	234
Chapter 9.245 Bed & breakfast uses.....	234
9.245.010 Purpose.....	234
9.245.020 Applicability .....	235
9.245.030 Permit Required.....	235
9.245.040 Development and Operational Standards .....	235
Chapter 9.250 Alcoholic Beverages Sales, Consumption and manufacturing .....	235
9.250.010 Purpose.....	235
9.250.020 Applicability .....	236
9.250.030 Permit Required.....	236
9.250.040 Findings of Public Convenience or Necessity.....	236
9.250.050 Alcoholic Beverage Sales .....	237
9.250.060 Alcoholic Beverage Manufacturing.....	237
Chapter 9.255 Home Occupation and Home-Based Businesses .....	238
9.255.010 Purpose.....	238
9.255.020 Applicability .....	239
9.255.030 Business Registration and Approval Process .....	239
9.255.040 Development Standards .....	239
9.255.050 Limitations on Specific Home-Based Businesses .....	240



9.255.060 Prohibited Home Occupations .....	240
Chapter 9.260 Outdoor Sales, Display and Dining .....	241
9.260.010 Purpose.....	241
9.260.020 Applicability .....	241
9.260.030 Permit Required.....	241
9.260.040 Development Standards .....	242
Chapter 9.265 Tattoo Establishments.....	243
9.265.010 Purpose.....	243
9.265.020 Applicability .....	243
9.265.030 Permit Required.....	243
9.265.040 Development Standards .....	243
Chapter 9.270 Community Care Facilities.....	243
9.270.010 Purpose.....	244
9.270.020 Applicability .....	244
9.270.030 Development Standards .....	244
Chapter 9.275 Hookah and Marijuana Uses .....	244
9.275.010 Purpose.....	245
9.275.020 Applicability .....	245
9.275.030 Hookah and Marijuana-Related Use Prohibitions .....	245
Chapter 9.280 Recycling Facilities.....	247
9.280.010 Purpose.....	247
9.280.020 Applicability .....	247
9.280.030 Permit Required.....	247
9.280.040 Development and Performance Standards .....	247
Chapter 9.285 Mobilehome Parks .....	248
9.285.010 Purpose.....	249
9.285.020 Applicability .....	249
9.285.030 Permit Required.....	249
9.285.040 Development Standards .....	249
Chapter 9.290 Wireless Communication Facilities .....	250
9.290.010 Purpose.....	250
9.290.020 Applicability .....	250
9.290.030 Permit Requirements.....	251
9.290.040 Effect of Location on Public Property .....	251
9.290.050 Effect of Encroachment Permit Issuance.....	252
9.290.060 Development Standards – General.....	252
9.290.070 Development Standards – Small Cell Attachments within the Public Right-of-Way .....	254
9.290.080 Abandoned Sites.....	255
Chapter 9.295 Special Housing Types .....	255
9.295.010 Purpose.....	256
9.295.020 Accessory Dwelling Units.....	256
9.295.030 Guest Living Quarters .....	259
9.295.040 Single-Room Occupancy Units.....	260
ARTICLE 6: DEFINITIONS.....	261
Chapter 9.300 Universal Definitions .....	261
9.300.010 Purpose.....	262
9.300.020 “A” Definitions.....	262
9.300.030 “B” Definitions .....	264
9.300.040 “C” Definitions.....	265



9.300.050 "D" Definitions.....	267
9.300.060 "E" Definitions .....	268
9.300.070 "F" Definitions .....	269
9.300.080 "G" Definitions.....	270
9.300.090 "H" Definitions.....	271
9.300.100 "I" Definitions .....	272
9.300.110 "J" Definitions.....	272
9.300.120 "K" Definitions .....	272
9.300.130 "L" Definitions .....	272
9.300.140 "M" Definitions.....	274
9.300.150 "N" Definitions.....	276
9.300.160 "O" Definitions.....	276
9.300.170 "P" Definitions .....	276
9.300.180 "Q" Definitions .....	278
9.300.190 "R" Definitions .....	278
9.300.200 "S" Definitions .....	280
9.300.210 "T" Definitions .....	283
9.300.220 "U" Definitions.....	283
9.300.230 "V" Definitions.....	284
9.300.240 "W" Definitions.....	284
9.300.250 "X" Definitions .....	285
9.300.260 "Y" Definitions .....	285
9.300.270 "Z" Definitions .....	285
<b>Chapter 9.305 Special Standard and Use Definitions .....</b>	<b>285</b>
9.305.010 Purpose.....	286
9.305.020 Animal Keeping and Related Terms Defined .....	286
9.305.030 Density Bonus and Related Terms Defined .....	287
9.305.040 Marijuana and Related Term Definitions .....	289
9.305.050 Signs and Related Terms Defined .....	290
9.305.060 Noise Control Regulations .....	294
9.305.070 Wireless Communications and Related Terms Defined .....	295





## **TITLE 9: PLANNING AND ZONING**

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### Contents:

- Article 1: General Provisions
- Article 2: Administration, Permits, and Procedures
- Article 3: Zones
- Article 4: Site Development Regulations and Performance Standards
- Article 5: Special Use Standards
- Article 6: Definitions

## **ARTICLE 1: GENERAL PROVISIONS**

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### Contents:

- Chapter 9.01 Purpose and Applicability
- Chapter 9.05 Administrative Responsibilities
- Chapter 9.10 Rules of Interpretation
- Chapter 9.15 Nonconforming Uses and Structures
- Chapter 9.20: Enforcement

## **Chapter 9.01 Purpose and Applicability**

---

### Contents:

- 9.01.010 Title
- 9.01.020 Purpose and Intent
- 9.01.030 Authority
- 9.01.040 Applicability
- 9.01.050 Conflicting Requirements
- 9.01.060 Status of Covenants and Agreements
- 9.01.070 Severability

### **9.01.010 Title**

---

This Title is known as the Planning and Zoning Code of the City of Menifee, hereinafter referred to as the Title.

### **9.01.020 Purpose and Intent**

---

The provisions of this Title are hereby established and adopted to protect and promote the public health, safety, morals, comfort, convenience, and welfare, and more particularly to:

- A. Implement the goals and objectives of the general plan and to guide and manage development within the city in accordance with such plan.
- B. Protect the physical, social, and economic stability of residential, commercial, industrial, and other land uses within the city to assure its orderly and beneficial development.
- C. Reduce hazards to the public resulting from the inappropriate location, use, or design of buildings and other improvements.

- D. Attain the physical, social, and economic advantages resulting from comprehensive and orderly land use and resource planning.

### **9.01.030 Authority**

---

This Title is adopted pursuant to the authority granted to the City by Planning and Zoning Law (Government Code Section 65000 et seq.), the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and other applicable requirements.

### **9.01.040 Applicability**

---

This Title applies to all land uses, structures, subdivisions, and development within the City, as follows:

- A. **New or Altered Land Uses or Structures.** Compliance with this Title is required to lawfully establish, construct, reconstruct, alter, or replace any use of land or structure.
- B. **Existing Uses and Structures.** An existing land use or structure is lawful only when it was legally established and is operated and maintained in compliance with all applicable provisions of this Title. See Chapter 9.15 (Non-conforming Uses and Structures) for more details.
- C. **Projects in Process.** The enactment of this Title, or any amendments hereto, may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied prior to enactment of this Title. Following the effective date of this Title the following provisions shall apply. Successive amendments to this Title shall specify their applicability to pending applications and projects not yet or under construction; in the event an amendment is silent on this matter, the following shall apply.
  - 1. **Private Projects.**
    - a. **Pending applications.** All land use permit applications that are active and that have been determined by the Community Development Director to be complete before the effective date of this Title, or any amendments thereto, will be processed according to the regulations in effect when the application was deemed complete.
    - b. **Approved projects not yet under construction or exercised.** Any project approved prior to the effective date of this Title, which includes a use or improvement that does not conform to the regulations set forth herein, may be developed to the extent authorized by the approval, provided the approval has not expired or, where applicable, before a time extension approved prior to this effective date of this Title has expired, subject to the discretion of the City.
    - c. **Projects under construction.** A structure that is under construction pursuant to a valid building permit on the effective date of this Title, or any amendments thereto, may be completed and need not be changed to satisfy any new or different requirements of this Title as long as construction is being diligently pursued to completion and is consistent with applicable project specific timelines for completion.
  - 2. **Public Projects.** No federal, state, county or city governmental project shall be subject to the provisions of this Title, including such projects operated by any combination of these agencies or by a private person for the benefit of any such government agency, unless the agency provides by contract or otherwise that the project shall be constructed or operated in compliance with any or all provisions of this Title.

### **9.01.050 Conflicting Requirements**

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The provisions of this Title shall not be deemed or construed to repeal, amend, modify, alter, or change any other City ordinance or provision of law not specifically repealed, amended, modified, altered, or changed herein. In the event the provisions of this Title conflict with any other City ordinance or provision of law, the more restrictive of any such provision shall apply, except as follows:

- A. **Specific Plans.** Where a specific plan has been adopted containing specific use and development standards, the use and development standards contained in this Title shall not apply to the degree that they are not consistent with the use and development standards contained in the specific plan.
- B. **Development Agreements.** Where a development agreement has been adopted containing specific use and development standards, the use and development standards contained in this Title shall not apply to the degree that they are not consistent with the use and development standards contained in the development agreement.

### **9.01.060 Status of Covenants and Agreements**

---

The provisions of this Title are not intended to abrogate any legally adopted easements, covenants or other agreements which are more restrictive than the provisions of this Title.

### **9.01.070 Severability**

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Should any section, chapter, paragraph, phrase or any portion of this Title be declared unconstitutional or invalid or set aside by any court of competent authority, such action shall not affect other sections, chapters, paragraphs, phrases or parts hereof as adopted or amended.

## **Chapter 9.05 Administrative Responsibilities**

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Contents:

- 9.05.010 Purpose
- 9.05.020 Planning Agency

### **9.05.010 Purpose**

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The purpose of this chapter is to establish and describe the respective administrative responsibilities of City officials and bodies (e.g., Community Development Director, Planning Commission, City Council) for purposes of this Title.

### **9.05.020 Planning Agency**

---

Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the planning agency, as designated by this title, shall be carried out by the following bodies. In the absence of an assignment, the City Council shall retain responsibility and authority as the legislative body of the City.

- A. **Community Development Director.** The Community Development Director, or designee, shall have the responsibility and authority to administer and enforce this Title as follows:
  - 1. Receive, review, and process all applications for development pursuant to this Title. Processing includes but is not limited to the certification of completed applications, the establishment of a permanent file, posting of public notices, collection of applicable fees, preparation of reports, processing of appeals, and presentation of staff reports and recommendations to the Planning Commission and City Council.

2. Hear and take action on applications as provided by state law and this Title or other City ordinances.
  3. Hear and make recommendations to the Planning Commission on applications as provided by state law and this Title or other City ordinances.
  4. Interpret the provisions and advise the public on the requirements of this Title.
  5. Initiate action for amendment of this Title where it is determined that such amendment would better implement the General Plan goals and objectives and increase its effectiveness and/or improve or clarify the contents of this Title.
  6. Issue permits under this Title and certify that all such permits are in full conformance with its requirements.
  7. Refer and coordinate matters related to the administration of this Title with other agencies and City departments and provide information on the status of all development permits.
  8. Chair the Development Review Committee (DRC).
  9. Serve as the administrative zoning body and exercise that authority set forth in Government Code Section 65900 et. seq.
  10. Exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the City Council.
- B. **City Manager.** The City Manager or designee shall oversee the work of the Community Development Director and shall exercise such other powers and duties as are prescribed by state law or local ordinance, or as directed by the City Council.
- C. **Planning Commission.** Pursuant to Government Code Section 65101, and as provided in Chapter 2.20, the City has an established Planning Commission. The Planning Commission shall have the functions and duties as set forth in Section 2.20.100 (Functions and Duties of Planning Commission) of the Menifee Municipal Code.
- D. **City Council.** The City Council is the legislative body of the City and shall have the following land use responsibilities:
1. Hear and take action on appeals of the Planning Commission.
  2. Hear and take action on applications as provided by state law and this Title or other City ordinances.
  3. Direct planning-related policy amendments and special studies as necessary or desired.
  4. Exercise such other powers and duties as are prescribed by state law or local ordinance.

## **Chapter 9.10 Rules of Interpretation**

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### Contents:

- 9.10.010 Purpose
- 9.10.020 Interpretation of Code Provisions
- 9.10.030 Rules of Interpretation

### **9.10.010 Purpose**

---

The purpose of this chapter is to specify the authority, procedures and rules for clarification of ambiguity in the regulations of this Title in order to ensure the consistent interpretation and application of the Title.

### **9.10.020 Interpretation of Code Provisions**

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- A. **Authority to Interpret.** Where uncertainty exists regarding the interpretation of any provision of this Title or its application to a specific site, the Community Development Director shall have the authority and responsibility to interpret such terms, provisions, and requirements.
- B. **Record of Interpretation.** Code interpretations shall be made in writing and shall state the facts upon which the Director relied to make the determination. The Department shall keep a record of interpretations made pursuant to this chapter on file for future reference.
- C. **Applicability of Interpretation.** Code interpretations shall be applied in all future cases, provided that any interpretation may be superseded by a later interpretation when the Director determines that the earlier interpretation was in error or no longer applicable under the current circumstances.
- D. **Right to Appeal.** A Code interpretation by the Community Development Director may be appealed to the Planning Commission as provided in Section 9.30.100 (Appeals).

### **9.10.030 Rules of Interpretation**

---

The following rules of interpretation shall be used in the application of the terms, provisions, and requirements of this Code.

- A. **Abbreviations.** The following phrases, personnel, and document titles are shortened in this code:
  - 1. City of Menifee = City.
  - 2. Title 9 (Planning and Zoning) = Title = Zoning Code = Code.
  - 3. Community Development Director = Director.
  - 4. City Council = Council.
  - 5. Community Development Department = Department.
  - 6. Planning Commission = Commission
- B. **Terminology.** The following rules apply to all provisions in this code:
  - 1. **Language.** The words “shall,” “will,” “is to,” and “are to” and similar words and phrases are always mandatory. “Should” is not mandatory but is strongly recommended, and “may” is permissive.
  - 2. **Tense and number.** The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular unless the natural construction of the word indicates otherwise.
  - 3. **Conjunctions.** “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to.”
- C. **Number of Days.** Whenever a number of days is specified in this Title, or in any permit, approval, condition of approval, or notice issued or given as provided in this Title, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.
- D. **Minimum Requirements.** All provisions of this Title are considered to be minimum requirements, unless specifically stated otherwise.
- E. **Calculations; Rounding.** Where any provision of this Title requires calculation to determine applicable requirements, any fractional/decimal results of the calculation shall be rounded to the nearest whole number (0.5 or more is rounded up, less than 0.5 is rounded down).



- F. **Zoning Regulations.** Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted unless the use is determined to be similar to a listed use or use category in accordance with Chapter 9.95 (Similar Use Determination).
- G. **Zone Boundaries.** Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Map, the following rules shall apply:
  - 1. District boundaries shown as approximately following the property line of a lot or an open space line shown on a map shall be construed to follow such lines.
  - 2. Where a district boundary divides a lot, the location of the district boundary shall be determined by the Director. Such determinations shall not constitute amendment of the Zoning Map.
  - 3. District boundaries shown as approximately following right-of-way lines of highways, streets or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
  - 4. District boundaries shown as lying within right-of-way lines of highways, streets, defined natural features or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
  - 5. District boundaries shown as lying at the edge of a mapped floodplain boundary line shall be construed to follow the adopted FEMA or DWR floodplain boundary or contour for the watercourse, as determined by the Director.
  - 6. If the district classification of any land is in question, it shall be deemed to be in the most restrictive adjoining district.
  - 7. If any uncertainty remains as to the location of a district boundary or other feature shown on the Zoning Map, the location shall be determined by the Director. Such determinations shall not constitute amendment of the Zoning Map.
- H. **Consistency of Text and Diagrams.** Diagrams are provided within this Title to illustrate the requirements of the Title's text. In the event of conflict between the text of this Title and provided diagrams, the text shall determine the City's regulations.

## **Chapter 9.15 Nonconforming Uses and Structures**

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### **Contents:**

- 9.15.010 Purpose
- 9.15.020 Continuing Existing Nonconforming Uses and Structures
- 9.15.030 Nonconforming Use of Land
- 9.15.040 Nonconforming Use of Structures
- 9.15.050 Improvement of Nonconforming Uses
- 9.15.060 Nonconforming Structures
- 9.15.070 Reconstruction of Damaged Nonconforming Structures
- 9.15.080 New Structures on Nonconforming Lots

### **9.15.010 Purpose**

---

The purpose of this chapter is to specify the authority, procedures and limitations for the use, expansion, modification, and restoration of structures and uses made nonconforming by the enactment or amendment of this Title.

### **9.15.020 Continuing Existing Nonconforming Uses and Structures**

---



Except as otherwise provided herein, the lawfully permitted use of a structure or of land and the lawfully permitted existence of structures existing on the effective date of this Title or any amendment thereto as determined by the Director may be continued even though such use or structure does not conform to the use or dimensional requirements of this Title. Said uses shall be deemed nonconforming uses and said structures shall be deemed to be nonconforming structures, except as otherwise provided by this chapter.

### **9.15.030 Nonconforming Use of Land**

---

Where no structure is involved, the nonconforming use of land may be continued, provided that:

- A. Relocation or Enlargement.
  - 1. Such nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this Title, except when authorized by approval of a Conditional Use Permit if the approving authority finds that the new location would result in the nonconforming use having less adverse effect on surrounding uses.
  - 2. Such nonconforming use shall not be enlarged or intensified, nor shall it be extended to occupy a greater area of land than occupied by such use at the time of the adoption of this Title.
- B. Discontinuation or Replacement. If such nonconforming use of land or any portion thereof ceases for any reason whatsoever for a continuous period of one year or more, or is changed to a conforming use, any future use of such land shall be in conformity with all provisions of this Title.
- C. Other Nonconforming Use. No nonconforming use of land shall be changed to another nonconforming use.

### **9.15.040 Nonconforming Use of Structures**

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Nonconforming use of a structure may be continued, provided that:

- A. Relocation or Enlargement.
  - 1. Such nonconforming use shall not be enlarged or intensified, nor shall it be extended to occupy a greater area of any structure than occupied by such use at the time of the adoption of this Title, except as authorized in Section 9.15.040.A.3 below.
  - 2. A structure which contains a nonconforming use shall not be placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this Title, except when authorized by approval of a Conditional Use Permit if the approving authority finds that the new location would result in the nonconforming use having less adverse effect on surrounding uses.
  - 3. A structure, or portion thereof, which contains a nonconforming use shall not be enlarged, nor shall any external evidence of such use be increased by any means whatsoever, except that when authorized by approval of a building permit, a structure containing a nonconforming use, and such nonconforming use, may be enlarged or extended to an extent not exceeding 25% of the floor area of the structure devoted to such nonconforming use.
  - 4. The enlargement or extension of a structure permitted by this section shall comply with all requirements of the applicable zone, as well as any additional conditions or more restrictive development standards that the approval authority determines are necessary in order to protect adjacent residential development.
- B. Discontinuation or Replacement.
  - 1. If such nonconforming use of a structure ceases for any reason for a continuous period of one year or more, except as provided in Section 9.15.040.E (Restoration of Nonconforming Uses in Damaged

Structures), or is changed to a conforming use, any future use of such structure shall be in conformity with all provisions of this Title.

2. If the structure in or on which a nonconforming use is conducted or maintained is moved any distance for any reason, except as provided in Section 9.15.040.A.1, then any future use of such structure shall be in conformity with all provisions of this Title.
  3. Such nonconforming use may be reestablished, repaired, or replaced upon the determination that without reestablishment, repair, or replacement, there are no economically viable uses available to a property owner that are consistent with the then-existing land use designations and regulations.
- C. Alteration. Except in the case of relocation as provided for in Section 9.15.040.A (Relocation or Enlargement), such structure containing a nonconforming use shall not be structurally altered or reconstructed, except for such alteration, maintenance and repair work as is required to keep said structure in safe condition, subject to a determination of the Building Official and/or Fire Marshall.
- D. Change Only to a Conforming Use. A nonconforming use of a structure may be changed only to a conforming use. Any part of a structure occupied by a nonconforming use which is changed to or replaced by a conforming use shall not thereafter be used or occupied by a nonconforming use.
- E. Restoration of Nonconforming Uses in Damaged Structures. The nonconforming use of any structure which is destroyed or damaged by fire, explosion or other natural calamity, or the public enemy may be continued upon the reconstruction of said structure, provided that, except as otherwise permitted by Section 9.15.040.A (Relocation or Enlargement) herein, said nonconforming use shall not be enlarged or expanded and the resumption of said nonconforming use takes place within 18 months of the time of its interruption, which period may be extended by the Building Inspector for a maximum of 12 months for good cause.

### **9.15.050 Improvement of Nonconforming Uses**

---

In order that nonconforming uses may gradually be brought into greater conformity with this Title and the adverse external effects of such uses may be reduced, upon application to and approval of a Conditional Use Permit, the owner of any land or structure so used may be permitted to make limited changes to such structure or use in conjunction with a plan whereby through the addition of landscaped screening and buffer areas, control of noise, smoke or odors, the improvement of lighting, architectural changes, redesign of parking areas and access drives, or by any other appropriate means, these purposes may be achieved. The approving authority may grant approval or approval with modifications, provided that the approval authority finds that the purposes of this Title would be furthered by such action.

### **9.15.060 Nonconforming Structures**

---

A structure which is conforming in use, but does not conform to the height, yard, building coverage, parking or other development standards of this Title, shall be considered to be a nonconforming structure. Except for such alteration, maintenance and repair work as is required to keep said structure in safe condition, no permit shall be issued nor shall any changes or alterations be made on such structure that will result in the increase of any such nonconformity. Any structure or portion thereof may be altered to reduce its dimensional nonconformity.

### **9.15.070 Reconstruction of Damaged Nonconforming Structures**

---

- A. Reconstruction Must Conform. If any nonconforming structure is damaged by fire, explosion or other natural calamity, or the public enemy to an extent of 50% or greater of the replacement cost of the entire structure as determined by an estimate prepared by a qualified professional acceptable to the Tax Assessor after any necessary consultation with the Building Official, it shall not thereafter be repaired, reconstructed or used except in conformity with the provisions of this Title.

- B. **Reconstruction Requires Approval.** The reconstruction of all nonconforming structures shall be subject to Plot Plan approval per Chapter 9.80 and all findings and requirements thereof except as otherwise expressly allowed or modified by this section. The approving authority shall determine the degree to which such nonconforming structures shall be required to conform with the requirements of this Title. The approving authority shall consider the extent of the nonconformity, the value of the original structure, the relationship of neighboring properties, conformity with the General Plan, the proposed reconstruction and any other consideration it deems appropriate.
- C. **Exception for Multifamily Dwellings.** In accordance with Government Code Section 65863.4, the restoration and reconstruction restrictions contained in this subsection shall not apply to any multifamily residential dwelling which is currently occupied at the time it was involuntarily damaged or destroyed and which was legally constructed and occupied at the time of its initial construction. The application of the exceptions of this subsection shall not apply to any multifamily residential dwelling which constituted a public nuisance prior to being involuntarily damaged or destroyed, which was abandoned for a period of one year prior to being involuntarily damaged or destroyed, or to any property for which the property owner requests a reduction in density on the property.
- D. **Exception for Single-Family Residential Dwellings.** The restoration and reconstruction restriction in this subsection shall not apply to any single-family dwelling or mobile/manufactured home which is currently occupied at the time it was involuntarily damaged or destroyed and which was legally constructed and occupied at the time of its initial construction. The application of the exceptions of this subsection shall not apply to any single-family dwelling or mobile/manufactured home which constituted a public nuisance prior to being involuntarily damaged or destroyed, which was abandoned for a period of one year prior to being involuntarily damaged or destroyed.

### **9.15.080 New Structures on Nonconforming Lots**

---

- A. A permit may be issued, subject to approval of the permit or approval type otherwise required for the subject use, for the erection of a structure housing a permitted use on any lot which has been made nonconforming with respect to area, depth, width or frontage requirements by the adoption of, or any amendment to, this Title or the Zoning Map, provided that all other district regulations other than minimum lot area, depth, width and frontage are complied with, provided:
  - 1. The lot met the zoning requirements at the time the deed to the lot was recorded or a certificate of compliance has been issued; and
  - 2. A valid conveyance or contract of sale for said lot has been executed and delivered prior to the effective date of the provision of this chapter that made the lot nonconforming; except
  - 3. Where the owner of any such lot also owned adjoining land on said date, such other land, or so much thereof as may be necessary, shall be combined with the original lot to make a single conforming lot if possible; otherwise, a lot that is conforming to the fullest extent possible.
  - 4. The new structure meets all building, fire and safety requirements.
- B. In the case of a lot having nonconforming dimensions in a residential zone, the minimum required front and rear yards shall be those of the residential zone in which said lot's depth is consistent with the current requirements as specified in this Title, and the minimum required side yards shall be those of the residential zone in which said lot's width is consistent with the current requirements as specific in this Title.

### **Chapter 9.20: Enforcement**

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#### **Contents:**

#### **9.20.010 Purpose**





- 9.20.020 Authority to Enforce
- 9.20.030 Violations and Enforcement
- 9.20.040 Revocation or Modification

## **9.20.010 Purpose**

---

This chapter establishes the authority and process for enforcement of the requirements of this Title and any conditions of approval for the planning permits and approvals identified in this Title for purposes of protecting the public health, safety, and welfare of the City.

## **9.20.020 Authority to Enforce**

---

The City Manager, Community Development Director, Building Official, Code Enforcement Officer, or designees, may issue citations for any violations of this Title pertaining to the use of any land and the addition, alteration, construction, conversion, erection, moving, reconstruction, or use of any structure. Other officials of the City charged by the law with the general duty of enforcing City ordinance shall also enforce the provisions of this Title.

## **9.20.030 Violations and Enforcement**

---

- A. Violations – Effect on Approval or Permit.
  - 1. Upon violation of any applicable provision of this Title or, if granted subject to conditions, upon failure to comply with conditions, or due to a change in conditions occurring after the original grant of permit which change in conditions makes the continuation of said permit or approval incompatible with the general welfare of the surrounding neighborhood, said permit or approval shall be suspended automatically.
  - 2. A public hearing shall be held in accordance with the procedures outlined in Section 9.20.040 (Revocation or Modification) for discretionary permits and approvals.
- B. Enforcement. Enforcement of this Title shall be as provided in Chapter 1.03 (Administrative Citations), or other applicable sections of the Municipal Code.

## **9.20.040 Revocation or Modification**

---

- A. Purpose. Notwithstanding the provisions of Section 9.30.120 (Modifications to Previously Approved Permits), this section provides procedures for the revocation or modification of previously approved permits or entitlements as follows:
  - 1. Revocations. The City’s action to revoke a permit shall have the effect of terminating the permit and denying the privileges granted by the original approval.
  - 2. Modifications. The City may choose to allow the modification of the operational characteristics or development requirements within the allowances of this Title instead of revoking a permit. These modifications may include operation aspects related to buffers, duration of the permit or entitlement, hours of operation, landscaping, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.
- B. Applicability.
  - 1. Revocation or modification proceedings for any discretionary permit or approval granted in accordance with this Title may be initiated by the City if any of the following apply:
    - a. A violation of conditions of approval or applicable development standards exists.





- b. The permit was obtained by misrepresentation or fraud.
  - c. The use has become detrimental to the public health or safety or constitutes a nuisance.
  - d. Circumstances under which the permit was granted have changed to a degree that affects the validity of the findings contained in the original permit.
2. Modification as used in this section is limited to modifications as specified in Subsection 9.20.040.A.2 and is distinct from the procedures for modifications to previously approved permits as described in Section 9.30.120 (Modifications to Previously Approved Permits).
- C. Notice of Intent to Initiate Revocation or Modification Proceedings. Such revocation may be initiated by adopting a Resolution of Intention, which is a resolution indicating the City's intent to revoke the permit. Such resolution may be adopted by either the Planning Commission or the City Council. The Resolution shall allow reasonable opportunity for the permittee to correct the noncompliance to the satisfaction of the City. Such reasonable opportunity for correction may be provided by scheduling a hearing on the revocation, for a date which will allow reasonable time for correction.
- D. Approving Authority.
- 1. The Planning Commission shall be the designated approving authority for consideration of a revocation or modification of a permit where the Director or Planning Commission was the original approving authority as specified in Section 9.30.090.
  - 2. The City Council shall be the designated approving authority for consideration of a revocation or modification of a permit where the City Council was the original approving authority as specified in Section 9.30.090.
- E. Noticed Public Hearing. The decision to revoke or modify a permit granted pursuant to the provisions of this Title shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section 9.30.080 (Public Hearing and Public Notice).
- F. Findings. A land use permit may be revoked or modified by the applicable approving authority as specified in Subsection 9.20.040.D (Approving Authority) if any of the following findings can be made:
- 1. Circumstances under which the permit was granted have been changed to a degree that one or more of the findings contained in the original permit can no longer be met.
  - 2. The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the evidence presented during the public hearing for the permit.
  - 3. One or more of the conditions of the permit has not been substantially fulfilled or has been violated.
  - 4. The improvement or use authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation or statute.
  - 5. The improvement or use allowed by the permit has become detrimental to the public health, safety and general welfare, or the manner of operation constitutes or is creating a public nuisance.

## **ARTICLE 2: ADMINISTRATION, PERMITS, AND PROCEDURES**

### Contents:

- Chapter 9.25 Land Use and Development Approval Requirements
- Chapter 9.30 Common Application Processing Procedures
- Chapter 9.35 Accessory Dwelling Unit Permit
- Chapter 9.40 Conditional Use Permit
- Chapter 9.45 Development Agreement

- Chapter 9.50 General Plan Amendment
- Chapter 9.55 Home Occupation Permit and Home-Based Business Permit
- Chapter 9.60 Large Family Day Care Home Permit
- Chapter 9.65 Master Sign Program
- Chapter 9.70 Minor Exception
- Chapter 9.75 Planned Development
- Chapter 9.80 Plot Plan
- Chapter 9.85 Reasonable Accommodation
- Chapter 9.90 Sign Permit
- Chapter 9.95 Similar Use Determination
- Chapter 9.100 Specific Plan
- Chapter 9.105 Temporary Use Permit
- Chapter 9.110 Variance
- Chapter 9.115 Zone Change/Zoning Code Amendment

## **Chapter 9.25 Land Use and Development Approval Requirements**

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### Contents:

- 9.25.010 Purpose
- 9.25.020 Requirements for Development and New Land Uses
- 9.25.030 Consistency with the General Plan
- 9.25.040 Substantial Conformance Determination
- 9.25.050 Additional Approvals May Be Required
- 9.25.060 Inspections

### **9.25.010 Purpose**

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The purpose of this chapter is to establish the general requirements of this Title for the review and approval of proposed development and new land uses in the City.

### **9.25.020 Requirements for Development and New Land Uses**

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Except as otherwise provided in this Title, all uses and structures shall be established, maintained, constructed, reconstructed, altered, or replaced in compliance with the following requirements:

- A. Allowed Uses. The use of land shall be consistent with the allowed use regulations as follows:
  - 1. Permanent uses. Chapter 9.155 (Agricultural and Rural Zones) through Chapter 9.180 (Public/Quasi-Public Facilities) lists the allowed uses and permit requirements for various land uses in each of the City's base zones and overlay zones.
  - 2. Temporary uses. Temporary uses must comply with the requirements of Chapter 9.105 (Temporary Uses).
- B. Permit and Approval Requirements.
  - 1. No use that requires a permit or approval of any kind under the provisions of this Title shall be established or operated until the permit or approval is finally granted and all required conditions of the permit or approval have been completed.



2. No use that requires a permit or approval of any kind under the provisions of this Title shall be established or operated in violation of, or contrary to, any of the terms and conditions of the granted permit or approval.
- C. Development Standards. All uses and structures must comply with the development standards described in this Title. In addition:
1. No structure shall be erected, maintained, converted, reconstructed, or structurally altered, nor shall any land be used for any purpose if such structure or use is not allowed in the zone in which the structure or land is located.
  2. No structure shall be erected, maintained, reconstructed, or structurally altered to exceed the height or envelope or setback limit for the zone in which the structure is located, unless specifically approved in accordance with the provisions of this Title.
  3. No lot area shall be reduced or diminished to such an extent that the yard(s) or other open space(s) will be smaller than required by this Title, unless specifically approved in accordance with the provisions of this Title.
  4. Every structure shall be located on a lot as defined by this Title.
- D. Conditions of Approval. The use of land and the construction of structures authorized by permits or approvals granted by the City in accordance with the procedures provided by this Title shall comply with any applicable conditions of approval imposed by the designated approving authority in granting the permit or approval, including any permit or approval that was granted prior to the effective date of this Title or any amendments thereto.
- E. Legal Parcel. The use of land or the construction of a new structure shall only be permitted on parcels that have been legally created in compliance with Title 7 (Subdivisions) and the Subdivision Map Act as determined by the City Engineer. Legal nonconforming parcels may be used or developed in compliance with Chapter 9.15 (Nonconforming Uses and Structures).

### **9.25.030 Consistency with the General Plan**

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No use of land or buildings for which an application or approval is required pursuant to this Title is to be approved for processing under this Title unless it is consistent with the General Plan. In the event of any conflict between this Title and the General Plan, the General Plan shall prevail. In the event that this Title becomes inconsistent with the General Plan by reason of an amendment there to or an element thereof, this Title shall be amended within a reasonable time so that it is consistent with the General Plan as amended. A proposed use is consistent with the General Plan when all of the following conditions exist:

- A. The proposed use is in conformance with the programs and standards of the General Plan.
- B. The proposed use is to be established and maintained in a manner that is consistent with the General Plan and all applicable standards contained therein.

### **9.25.040 Substantial Conformance Determination**

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- A. The Community Development Director may approve minor changes to a previously approved permit at the administrative level if the proposed changes are in substantial conformance with the existing permit and would not require any additional environmental analysis. Such proposed changes shall not significantly affect the design, intensity or intent of the approved project or reduce any requirement intended to mitigate an environmental effect, alter any public improvement or facility or conditions for which other properties or developments may rely, nor have an adverse effect upon public health, safety, or welfare.
- B. A substantial conformance determination may include:



1. Structural additions to non-residential projects of less than 200 square feet. Square footage shall be the aggregate of all proposed structures.
  2. Structural additions or alterations to existing residential projects that add no additional units.
  3. Changes to parking and circulation configurations which do not change the basic parking areas or circulation concept or reduce the number of parking spaces.
  4. Landscape modifications which do not alter the general concept or reduce the effective amount of landscaping.
  5. Non-substantial changes to building configurations or layouts.
  6. Architectural or exterior material or color changes which do not change the basic form and theme of an existing building, do not change the location of windows or doors, or conflict with the original architectural form and theme of an existing building.
  7. Other requests similar to the above-listed changes, as determined by the Director.
- C. No notice of decision is required for determinations of substantial conformance.

### **9.25.050 Additional Approvals May Be Required**

The establishment, operation, construction or development of uses, properties and structures shall be subject to all permitting and licensing requirements imposed by other sections of this Municipal Code or applicable local, state or federal laws. All applicable permits, licenses or other approvals including, without limitation, use, building, grading or other construction permits and business licenses shall be obtained prior to the start of work or operations. This specifically includes building, grading or other construction permits and business licenses, and permits or approvals of the responsible public agencies and service districts. Nothing in this Title eliminates the need for obtaining any other permits required by the City or any permit, approval, or entitlement required by the regulations of any county, regional, special district, state, or federal agency.

### **9.25.060 Inspections**

City officials are authorized to perform inspections related to permit issuance and other approvals made in accordance with this Title as follows:

- A. Pre-approval Inspections. Every applicant seeking a permit or any other approval in compliance with this Title shall allow the City officials handling the application access to any premises or property that is the subject of the application. Reasonable notice shall be provided in advance of a pre-approval inspection by the City.
- B. Post-approval Inspections. If the permit or other action in compliance with this Title is approved, the owner or applicant shall allow authorized City officials access to the premises in order to determine compliance with the approved permit and/or any conditions of approval imposed on the permit or approval action.

## **CHAPTER 9.30 COMMON APPLICATION PROCESSING PROCEDURES**

Contents:

- 9.30.010 Purpose and Applicability
- 9.30.020 Applications and Fees
- 9.30.030 Pre-Application Review
- 9.30.040 Initiation of Application
- 9.30.050 Withdrawal of Application



- 9.30.060 Determination of Completeness
- 9.30.070 Application Review and Report
- 9.30.080 Public Hearing and Notice
- 9.30.090 Approving Authority
- 9.30.100 Appeals
- 9.30.110 Permit Time Limits, Expiration, and Extensions
- 9.30.120 Modifications to Previously Approved Permits
- 9.30.130 Reapplications
- 9.30.140 Indemnification and Hold Harmless for Permits and Approvals

### **9.30.010 Purpose and Applicability**

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The purpose of this chapter is to establish procedures necessary for the efficient processing of land use and development applications, permits and other approvals. These common procedures apply to all permits and approvals described in this Title, unless stated otherwise.

### **9.30.020 Applications and Fees**

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- A. All applications for a permit or approval, as identified in this Title, must be submitted in writing to the Community Development Department on a completed City application designated for the specific request.
- B. Minimum submittal requirements shall be established by the Community Development Director and are listed on the application checklist. Additional information specific to the permit or approval and necessary for the complete analysis of an application may be required by the Director. All required material, information and fees shall be provided by the applicant before the application is accepted for processing.
- C. No application shall be considered complete for acceptance and processing until the required application fees are paid in full. Applications initiated by the City shall not require an application fee.

### **9.30.030 Pre-Application Review**

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- A. Purpose. The purpose of the pre-application review is to advise prospective applicants of current City standards and requirements, to assess whether a proposal is consistent with such standards before the applicant expends large sums of money, inform applicants of applicable requirements and thus potentially shorten the processing time for applications, and encourage designs which are sensitive to the City's environmental and development priorities.
- B. Applicability. The pre-application review process is optional and is not required prior to submittal of a formal application. A prospective applicant may request a pre-application review for any potential project.
- C. Request. A pre-application review request shall be made in writing to the Community Development Director on forms provided for that purpose. All requests must be accompanied by the applicable filing fee.
- D. Exemption from Permit Streamlining Act. Pre-application review is not subject to the requirements of the California Permit Streamlining Act (the "Act"). An application that is undergoing pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 9.30.060 (Determination of Completeness). Requests for pre-application review shall not constitute submission and receipt by the City of a development application.
- E. Recommendations are Advisory. Neither the pre-application review nor the provision of information shall be construed as a recommendation for approval or denial of the potential development proposal by City





representatives. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City. During the formal review of applications, additional information, applications, etc., may be required.

### **9.30.040 Initiation of Application**

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Applications may be initiated by any interested party, the Community Development Director, Planning Commission or City Council, except that for any application proposing the specific use or development of land, such application shall only be initiated by either of the following:

- A. Property owners or all contract purchasers of a subject property, or any person authorized in writing to act as an agent of the owner or contract purchasers.
- B. Public agencies or utilities that have statutory rights of eminent domain for projects they have the authority to construct.

### **9.30.050 Withdrawal of Application**

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- A. Request. The Director may withdraw any application upon written request by the applicant or authorized agent representative prior to the final determination on the application.
- B. Notice of Withdrawal. The Director shall mail a notice of withdrawal to the applicant within three business days to notify the applicant that the application has been withdrawn and that all processing of the application has been terminated. A copy of the notice shall be placed in the project file. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits and other materials must then be filed in compliance with the Chapter.
- C. Fees Partially Refunded. Partial refunds of permit fees collected by the City may be granted, at the discretion of the Community Development Director only if, prior to staff making a determination or recommendation on the application, the applicant submits a written request to withdraw the application.

### **9.30.060 Determination of Completeness**

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- A. Application Completeness. The formal processing of an application shall begin on the date the application is deemed complete. The statutory period of 30 days, established by state law for determining completeness (California Government Code Section 65943 [Permit Streamlining Act]), shall begin the day the application is accepted by the Community Development Department.
- B. Initial Determination. Within 30 days of application acceptance, the Director shall determine whether the application is complete. The Director shall notify the applicant in writing that one of the determinations has been made:
  - 1. Complete Application. All submittal requirements have been satisfied and the application has been deemed complete.
  - 2. Incomplete Application. Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted application is not in compliance with City development standards and application requirements.
- C. Determination on Resubmittal. Within 30 days of acceptance of information submitted in response to a determination of incomplete application, the Director shall determine whether the application is complete. The Director shall notify the applicant in writing that one of the determinations has been made:
  - 1. Complete Application. All submittal requirements have been satisfied and the application has been deemed complete.

2. Incomplete Application. Specific information is still necessary to complete the application. The letter shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application.
- D. Right to Appeal. The applicant may appeal the determination in accordance with Section 9.30.100 (Appeals) and California Government Code Section 65493 (Permit Streamlining Act). A final written determination on the appeal shall be rendered not later than 60 days after receipt of the applicant's written appeal.

### **9.30.070 Application Review and Report**

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- A. After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA).
- B. The Community Development Director may refer an application for review and comment to any other government agency and/or City department that he/she determines appropriate to ensure compliance with all provisions of the Municipal Code and other adopted policies and plans.
- C. Reports for an application shall be prepared and disseminated as follows:
  1. For applications decided at the administrative level, the Director will prepare a report, including a decision to approve, conditionally approve, alter, or deny the application.
  2. For applications to be heard by the Planning Commission and/or City Council, the Director will prepare a report to the recommending authority, if applicable, and designated approving authority describing the project and may include a recommendation to approve, conditionally approve, alter, or deny the application. The report shall be provided to the applicant prior to consideration of the application, but no later than three business days prior to the hearing. The report may be amended as necessary or supplemented with additional information at any time prior to the hearing to address issues or information not reasonably known at the time the report is prepared.
- D. Time Limit for Decision.
  1. The City shall comply with the following timelines for providing written documentation to an applicant if it determines that a proposed housing development project as described in Government Code Section 65589.5 is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. Such written documentation shall identify the provision or provisions, and an explanation of the reason or reasons for the determination. Written documentation shall be provided as follows:
    - a. Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.
    - b. Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.
  2. If the City fails to provide the required documentation pursuant to Subsection 9.30.070.D.1 the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

### **9.30.080 Public Hearing and Notice**

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- A. Public Hearing Required. Where required pursuant to this Title, the following procedures shall govern the public notice and public hearing for a permit or other approval.



**B. Notice of Public Hearing.**

1. **Content.** The notice of public hearing shall include the following information:
  - a. **Date, time and place of hearing.**
  - b. **Identification of the reviewing or approving authority.**
  - c. **Location of project.**
  - d. **Project description.**
  - e. **CEQA determination statement, if applicable.**
  - f. **Statement related to appeals and challenges, if applicable.**
  - g. **Information on the availability and location of staff reports and public review materials.**
2. **Delivery.** Pursuant to California Government Code Sections 65090 to 65094, not less than 10 days before the scheduled date of a hearing, public notice shall be given of such hearing in the manners listed below.
  - a. **Notice of public hearing shall be published in at least one newspaper of general circulation in the City.**
  - b. **Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners of property within a radius of 300 feet of the exterior boundaries of the property involved in the application or to 25 property owners within a radius of up to one mile around the project, whichever is greater, as determined by the Community Development Director, using for this purpose the last known name and address of such owners as shown on the last equalized assessment roll or those names and addresses known to the City. The radius may be increased as determined to be necessary and desirable by the Director based on the nature of the proposed project. If the number of owners exceeds 1,000, the City may, in lieu of a mailed notice, provide notice by placing a notice of at least 1/3 page in one newspaper of general circulation within the City.**
  - c. **Notice of the public hearing shall be mailed to the owner of the subject real property or the owner's authorized agent, to the project applicant, and to each local agency expected to provide water, sewerage, streets, roads, schools or other essential facilities or services to the proposed project and whose ability to provide such facilities or services may be significantly affected.**
  - d. **Notice of the public hearing shall be posted at City Hall.**
  - e. **Notice of the public hearing shall be mailed to any person who has filed a written request for notice.**
  - f. **Notice of the public hearing shall be posted on the property, which is the subject of the proposed development. Posted notices shall be informational signs measuring four feet by four feet in size. The number and location of the posted notices shall be as follows:**
    - i. **For properties five acres or less in size, one sign per improved street frontage shall be posted on site.**
    - ii. **For properties greater than five acres in size, two signs per improved street frontage shall be posted on site.**
    - iii. **For properties that are unusually shaped or within a unique location, the Director may determine the location(s) for posted notices or require additional noticing of the proposed project.**
    - iv. **For projects that may change or intensify the existing use or zoning, the Director may require supplemental and/or larger posted notices.**

- g. Notice of the public hearing shall be posted at other locations designated by the City Council.
  - h. Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, the City shall incorporate, where necessary, notice procedures to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on, or appeal of the denial of, a drive-through facility permit.
  - i. For a proposed conversion of residential property to a condominium, community apartment or stock cooperative project, such notice shall be given by first class mail to each tenant of the property, including time and place of the hearing and notice of the tenants' rights to appear and to be heard.
  - j. In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.
- C. Requests for Notification. Any person who requests to be on a mailing list for notice of hearing shall submit such request in writing to the City Clerk. The City may impose a reasonable fee for recovering the cost of such notification.
- D. Receipt of Notice. Failure of any person or entity to receive any properly issued notice required by law for any hearing required by this Title shall not constitute grounds for any court to invalidate the actions of a designated approving authority for with the notice was given.
- E. Hearing Procedure. Hearings as provided for in this chapter shall be held in accordance with the provisions of Section 2.04.020 (Council Meetings; Rules of Order and Decorum), Section 2.20.120 (Conduct of Planning Commission Hearings) and the following provisions. In the event of a conflict between the provisions of Title 2 and this section, the provisions of Title 2 shall apply.
- 1. Hearings shall be held at the date, time and place for which notice has been given as required in this chapter. The recommending authority and approving authority shall conduct the public hearing and hear testimony from interested persons.
  - 2. Any hearing may be continued to a certain date, time, and place with no additional notice required. The continuance may occur either before the item is heard (if no one is present to testify or all those present consent to the continuance) or after testimony has been taken and before the completion of the hearing.
  - 3. If the hearing is not continued to a date, time, or place certain, the hearing shall be re-noticed.
- F. Time Limit for Decision. Within 35 days after the conclusion of a public hearing, a decision on the matter shall be rendered by the approving authority. The failure to render such a decision shall be deemed to constitute a denial.
- G. Notice of Decision. Written notice of decision of the approval authority shall be provided to the applicant and all parties requesting such notification. Notices of decision are not required for actions of a recommending body. The notice of decision shall be provided as follows:
- 1. Planning Commission Determination. In addition to the provisions of Section 2.20.130 (Planning Commission Decisions and Findings), a written notice of decision shall be mailed within 3 business days of the date of decision and shall include:
    - a. The application request as acted upon by the Planning Commission.
    - b. Any conditions of approval or other requirements applied to the decision.
    - c. The action taken by the Planning Commission.
    - d. The deadlines, criteria and fees for filing an appeal.
  - 2. City Council Determination. The provisions of Section 2.20.170 (City Council Decision and Findings) shall apply.

### 9.30.090 Approving Authority

- A. **Recommending Authority.** The recommending authority as designated in Table 9.30.090-1 (Designated Authority for Permits and Approvals) shall hear and make recommendations on the proposed land use or development permit or approval in accordance with the requirements of this Title.
- B. **Approving Authority.** The approving authority as designated in Table 9.30.090-1 (Designated Authority for Permits and Approvals) shall approve, conditionally approve or deny the proposed land use or development permit or approval in accordance with the requirements of this Title. Generally, the Director and his/her designee will make non-discretionary and discretionary decisions at the administrative level, the Planning Commission will make quasi-judicial decisions, and the City Council will make the legislative decisions. In acting on a permit, the approving authority decision may be appealed pursuant to procedures set forth in Section 9.30.100 (Appeals).

Table 9.30.090-1: Designated Authority for Permits and Approvals				
Permit or Approval Type (Chapter)	Type of Action	Designated Authority <sup>1</sup>		
		Community Development Director	Planning Commission	City Council
Accessory Dwelling Unit Permit (9.35)	Ministerial	A		
Conditional Use Permit, Minor (9.40)	Discretionary	A		
Conditional Use Permit, Major (9.40)	Quasi-judicial	R	A	
Development Agreement (9.45)	Legislative	R	R	A
Finding of Public Convenience and Necessity (9.250)	Discretionary	R	A	
General Plan Amendment (9.50)	Legislative	R	R	A
Home Occupation Permit (9.55)	Ministerial	A		
Home-Based Business (9.55)	Discretionary	A		
Large Family Daycare Permit (9.60)	Ministerial	A		
Master Sign Program, Minor (9.65)	Ministerial	A		
Master Sign Program, Minor (9.65)	Discretionary	R	A	
Minor Exception (9.70)	Discretionary	A		
Official Code Interpretation (9.15)	Discretionary	A		
Planned Development Overlay (9.115)	Legislative	R	R	A
Planned Development (9.75)	Discretionary	R	A	
Plot Plan, Minor (9.80)	Ministerial	A		
Plot Plan, Major (9.80)	Discretionary	R	A	
Reasonable Accommodation (9.85)	Ministerial	A		
Sign Permit (9.90)	Ministerial	A		
Similar Use Determination (9.95)	Discretionary	A		
Specific Plan (9.100)	Legislative	R	R	A
Substantial Conformance Determination (9.25)	Discretionary	A		
Temporary Use Permit, Minor (9.105)	Discretionary	A		



Table 9.30.090-1: Designated Authority for Permits and Approvals

Permit or Approval Type (Chapter)	Type of Action	Designated Authority <sup>1</sup>		
		Community Development Director	Planning Commission	City Council
Temporary Use Permit, Major (9.105)	Discretionary	A		
Variance (9.110)	Quasi-judicial	R	A	
Zone Change/Zoning Code Amendment (9.115)	Legislative	R	R	A

<sup>1</sup> A = Approving Authority; R = Recommending Authority

- C. Multiple Entitlements. When a proposed project requires more than one permit or approval with more than one approving authority all project permits and approvals shall be processed concurrently and final action shall be taken by the highest-level designated authority for all such requested permits and approvals.
- D. Referral to the Planning Commission. At any point in the review process, the Director may transfer approving authority to the Planning Commission at his/her discretion because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the Planning Commission shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section 9.30.080 (Public Hearing and Public Notice). A referral to the Planning Commission is not an appeal and requires no appeal application or fee.
- E. Referral to the City Council. At any point during the Planning Commission hearing, the Planning Commission may, by simple majority, transfer approving authority to the City Council because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the City Council shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section 9.30.080 (Public Hearing and Public Notice). A referral to the City Council is not an appeal and requires no appeal application or fee.
- F. City Council Referral back to Planning Commission. The City Council may refer any matter (including, but not limited to, those appealed to it) back to the Planning Commission in accordance with the provisions of Section 2.20.160 (City Council Referral Back to Planning Commission).

### 9.30.100 Appeals

- A. Appeal Authority. Any discretionary action of the Director or Planning Commission made pursuant to this Title may be appealed to the designated appeal authority listed in Table 9.30.100-1 (Appeal Authority). Non-discretionary decisions by the Director may not be appealed. Actions taken by the Planning Commission in exercise of its appeal authority may be further appealed to the City Council. Decisions by the City Council are final and may not be appealed.

Table 9.30.100-1: Appeal Authority

Approval Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
Community Development Director	X	
Planning Commission		X

- B. Appeal Procedures. The provisions of Section 2.20.150 (Appeal Procedures) shall apply.

### **9.30.110 Permit Time Limits, Expiration, and Extensions**

- A. Time Limits. Any permit not exercised within the specified time limit from the date of approval shall expire and become void, except where an extension of time is approved pursuant to this Section.
- B. Exercising Permits. The exercise of a permit occurs when the property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s), as determined by the Director. A permit may be otherwise exercised pursuant to a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit. Following are the criteria for determining if a permit has been exercised and therefore would not expire:
1. A building permit is issued, construction commenced on the primary building on site.
  2. A certificate of occupancy is issued for the use or structure.
  3. The site is occupied in accordance with the approved permit.
  4. The site is occupied in accordance with an approved phase of a phased development and development has been diligently pursued for future phases of an approved permit.
  5. An extension of time is approved in accordance with Subsection 9.30.110.C (Permit Extensions), if applicable.
- C. Permit Extensions.
1. Extensions of Time. The approval of an extension may extend the expiration date for the following time periods from the original permit or entitlement expiration date:
    - a. Up to three years for ministerial, discretionary, and quasi-judicial actions, subject to the findings of Subsection 9.30.110.C.4.a.
    - b. Up to ten years for plot plans permitting commercial and/or industrial uses, subject to the findings of Subsection 9.30.110.C.4.b.
  2. Process. Extension of time requests for projects shall be considered if submitted in writing to the Community Development Director at least 30 days prior to the expiration date of the permit or approval, along with the appropriate fees. The Community Development Director shall be the approving authority for extension requests, except for extension requests pursuant to Subsection 9.30.110.C.1.b, in which case the Planning Commission shall be the approving authority for such extension requests.
  3. Conditions. The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved, unless the permit has vesting rights.
  4. Permit Extension Findings.
    - a. The extension may be granted only when the designated approving authority finds the following:
      - i. The original permit findings can still be made or there has been diligent pursuit to exercise the permit or approval that warrants such extension.
      - ii. There have been no significant changes in the General Plan, this Title or applicable Municipal Code requirements, or character of the area within which the project is located that would cause the approved project to become out of compliance with applicable policies and regulations and that the granting of an extension will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.



- b. The extension of plot plans for commercial and/or industrial uses beyond three years from the date of original approval may be granted only when the designated approving authority finds the following:
  - i. That for reasons beyond its control, the applicant was not able to commence construction pursuant to the plot plan with the original approval period.
  - ii. The applicant has provided substantial evidence to demonstrate that it will be able to complete construction pursuant to the plot plan within the proposed period of extension.
  - iii. The applicant has demonstrated that the proposed project will provide positive economic development benefits to the City.
  - iv. There have been no significant changes in the General Plan, this Title or applicable Municipal Code requirements, or character of the area within which the project is located that would cause the approved project to become out of compliance with applicable policies and regulations and that the granting of an extension will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

**D. Permit Expiration.**

- 1. Multiple Entitlements. Notwithstanding the expiration specified for individual permit and approval types, when an approved project had more than one permit or approval processed concurrently in accordance with Subsection 9.30.090.C (Multiple Entitlements) all permit expiration dates shall be consistent. The longest permit expiration date shall apply.
- 2. Expiration. If the time limits are reached with no extension requested, or a requested extension is denied or expires, the permit shall expire.

**E. Permit Expiration for a Closed Business.** All permits shall expire when a business or use is closed or discontinued for more than one calendar year. Approval of new permits based on current requirements shall be required prior to any business activity or use on the site.

**9.30.120 Modifications to Previously Approved Permits**

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- A. Applicability. Any person holding a permit granted under this Title may request a modification to that permit. For the purpose of this section, the modification of a previously approved permit may include amendment of the terms of the permit itself, amendment to project design, or the waiver or alteration of conditions imposed in the granting of the permit.
- B. Request for Modification. An applicant may request a modification to a permit after the effective date of the permit. An application shall be made on forms provided by the Community Development Department and shall be accompanied by the applicable fee.
- C. Review Process. A modification may be granted only when the designated approving authority makes all findings required for the original approval. The designated approving authority for a modification to a previously approved permit shall be determined as follows:
  - 1. Minor Modification. Minor modifications to a previously approved permit shall be processed as follows:
    - a. Applicability. A minor modification is a non-substantive change of a previously approved permit. Minor modifications include:
      - i. Structural additions to non-residential projects of more than 200 square feet and less than 2,500 square feet or 50 percent of existing square footage, whichever is less. Square footage shall be the aggregate of all proposed structures.

- ii. Structural additions or alterations to existing residential projects that add no more than six units.
  - iii. New construction or expansion of existing parking lots that add less than 25 parking spaces on an existing site.
  - iv. Landscape modifications which alter the general concept or reduce the effective amount of landscaping.
  - v. Architectural or exterior material or color changes which change the basic form and theme of an existing building, change the location of windows or doors, or conflict with the original architectural form and theme of an existing building.
  - vi. Adjustments to the standards of development established through an approved Planned Development.
  - vii. Other requests similar to the above-listed minor amendments, as determined by the Director.
- b. **Review Process.** The Director is the designated approval authority for minor modifications. No public hearing shall be required. A written notice of decision shall be issued in the same manner as the original permit. Minor modifications of discretionary permits may be appealed.
2. **Major Modifications.** Major modifications to a previously approved permit shall be processed as follows:
- a. **Applicability.** A major modification is a substantive change of a previously approved permit. Major modifications include:
    - i. Structural additions to non-residential projects of equal to or greater than 2,500 square feet or 50% of existing square footage, whichever is less. Square footage shall be the aggregate of all proposed structures.
    - ii. Structural additions or alterations to existing residential projects that add more than six units.
    - iii. New construction or expansion of existing parking lots that add 25 parking spaces or more on any existing site.
    - iv. A modification in the approved access to the project site.
    - v. Changes in the allowed uses established for an approved Planned Development.
    - vi. Other requests similar to the above-listed major amendments, as determined by the Director.
  - b. **Review Process.** The original approving authority shall be the designated approving authority for major modifications. Where entitlements were processed concurrently, the designated approving authority shall be the specified approving authority in accordance with Table 9.30.090-1 (Designated Authority for Permits and Approvals) for the permit or approval subject to the request for major modification. A major modification shall be processed in the same manner and subject to the same standards as the original application. Major modifications of discretionary permits may be appealed.
- D. **Permit Expiration.** Granting of a modification to a previously approved permit does not extend the permit expiration date. A permit extension must be reviewed and approved in accordance with the provisions of Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.30.130 Reapplications**

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- A. **Applicability.** An application shall not be accepted or acted upon if within the past one year the City has denied an application for substantially the same project on substantially the same real property, unless the Director finds one or more of the following circumstances to exist:



1. **New Evidence.** There is new evidence that would support approving the project that was not presented during consideration of the application or at the previous hearing and could not have been previously discovered in the exercise of reasonable diligence by the applicant.
2. **Substantial and Permanent Change of Circumstances.** There has been a substantial and material change of circumstances since the previous determination that affects the applicant's real property.
3. **Mistake at Previous Hearing.** A mistake was made at the previous hearing that was a material factor in the denial of the previous application.

### **9.30.140 Indemnification and Hold Harmless for Permits and Approvals**

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- A. **Applicability.** At the time of submitting an application for a land use permit or approval all applicants requesting such an approval agree, as a part of the required application, to defend, indemnify and hold harmless the City from any claim, action or proceeding brought to attack, set aside, void or annul any subsequent approval by the City which is brought within the applicable statute of limitations. The indemnification shall include damages awarded against the City, costs of suit, attorneys' fees and other costs and expenses incurred in connection with any such claim, action or proceeding. In addition, an indemnification agreement may be required as a condition of approval for the project.
- B. **Notification.** In the event that a claim, action or proceeding referenced in Subsection 9.35.100.A is brought, the City shall promptly notify the applicant thereof. Nothing set forth in this section shall prohibit the City from participating in the defense of any claim, action or proceeding if the City elects to bear its own attorneys' fees and costs and defends the action in good faith.

### **Chapter 9.35 Accessory Dwelling Unit Permit**

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#### Contents:

- 9.35.010 Purpose
- 9.35.020 Applicability
- 9.35.030 Application and Required Fees
- 9.35.040 Approving Authority
- 9.35.050 Public Hearing and Notice
- 9.35.060 Standards of Approval
- 9.35.070 Findings for Approval
- 9.35.080 Notice of Decision
- 9.35.090 Effective Date
- 9.35.100 Appeals
- 9.35.110 Expiration
- 9.35.120 Extension of Time
- 9.35.130 Modifications

#### **9.35.010 Purpose**

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This chapter establishes procedures for the review and approval of accessory dwelling units to protect and preserve existing neighborhoods while providing options to meet the various housing needs of the community in compliance with Government Code Section 65852.2.





### **9.35.020 Applicability**

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An Accessory Dwelling Unit Permit is required prior to establishment, construction, or modification of an accessory dwelling unit.

### **9.35.030 Application and Required Fees**

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- A. Application Filing and Processing. Applications for an Accessory Dwelling Unit Permit shall be filed and processed in accordance with Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

### **9.35.040 Approving Authority**

---

Applications for an Accessory Dwelling Unit Permit shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for an Accessory Dwelling Unit Permit.

### **9.35.050 Public Hearing and Notice**

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No public hearing is required prior to action on an application for an Accessory Dwelling Unit Permit.

### **9.35.060 Standards of Approval**

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In approving an Accessory Dwelling Unit Permit, the approving authority may impose reasonable and appropriate standards of approval consistent with Government Code Section 65852.2 to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

### **9.35.070 Findings for Approval**

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Prior to approving an application for an Accessory Dwelling Unit Permit, the approving authority shall make all the following findings:

- A. The Accessory Dwelling Unit is consistent with the adopted General Plan and any applicable specific plan.
- B. The Accessory Dwelling Unit meets all applicable standards for development of this Title.

### **9.35.080 Notice of Decision**

---

Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The Notice of Decision shall include:

- A. The application request as acted upon by the Director.
- B. The action taken by the Director.
- C. Findings as listed for the permit.

### **9.35.090 Effective Date**

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Accessory Dwelling Unit Permits shall become effective on the date an approval is issued by the approving authority.



### **9.35.100 Appeals**

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Accessory Dwelling Unit Permits are ministerial and are not subject to appeal.

### **9.35.110 Expiration**

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An approved Accessory Dwelling Unit Permit shall expire three years from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.35.120 Extension of Time**

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Accessory Dwelling Unit Permits may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### **9.35.130 Modifications**

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Modifications to an approved Accessory Dwelling Unit Permit shall be processed as a new application.

## **Chapter 9.40 Conditional Use Permit**

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Contents:

- 9.40.010 Purpose
- 9.40.020 Applicability
- 9.40.030 Application and Required Fees
- 9.40.040 Approving Authority
- 9.40.050 Public Hearing and Notice
- 9.40.060 Conditions of Approval
- 9.40.070 Findings for Approval
- 9.40.080 Notice of Decision
- 9.40.090 Effective Date
- 9.40.100 Appeals
- 9.40.110 Expiration
- 9.40.120 Extension of Time
- 9.40.130 Modifications

### **9.40.010 Purpose**

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This chapter establishes procedures for the administrative review and approval of certain conditionally permitted uses that are considered minor in nature allowing the City to confirm compliance with all applicable local standards, ordinances, and other applicable plans and policies and maintain the discretion to apply additional discretionary conditions of approval, as needed, to ensure that uses are designed, located and operated in a manner that is compatible with uses on adjacent and nearby properties. This chapter also establishes procedures for the review and approval of certain conditionally permitted uses that may be considered to have a potentially greater impact on surrounding properties and require additional review. Such conditional uses typically have operating characteristics requiring special consideration, which may necessitate discretionary conditions of approval to ensure that uses are designed, located and operated in a manner that is compatible with uses on adjacent and nearby properties.

#### **9.40.020 Applicability**

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- A. **Minor Conditional Use Permit Required.** A Minor Conditional Use Permit is required prior to establishment of any conditional use as indicated with a “C” on the allowed use tables contained in Chapter 9.155 (Agricultural and Rural Zones) through Chapter 9.180 (Public/Quasi-Public Facilities) and meeting any of the following criteria, except as specifically exempted by this chapter:
  - 1. When the conditional use is not required to be processed concurrently with a Minor Plot Plan or a Major Plot Plan.
  - 2. When the conditional use requires compliance with any of the special use regulations contained in Chapter 9.280 (Animal Keeping) through Chapter 9.295 (Special Housing Types).
  - 3. When the conditional use is processed concurrently with a Minor Plot Plan.
  - 4. Other conditional uses as may be determined by the Community Development Director.
  - 5. Uses specifically requiring a Minor Conditional Use Permit as required by this Title.
- B. **Major Conditional Use Permit Required.** A Major Conditional Use Permit is required prior to establishment of any conditional use as indicated with a “C” on the allowed use tables contained in Chapter 9.155 (Agricultural and Rural Zones) through Chapter 9.180 (Public/Quasi-Public Facilities) and meeting any of the following criteria, except as specifically exempted by this chapter:
  - 1. When the conditional use is processed concurrently with a Major Plot Plan.
  - 2. Other conditional uses as may be determined by the Community Development Director.
  - 3. Uses specifically requiring a Major Conditional Use Permit as required by this Title.
- C. **Exemptions.** Uses specifically exempt from the requirements for obtaining a Minor Conditional use Permit or a Major Conditional Use Permit in accordance with this Title.

#### **9.40.030 Application and Required Fees**

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- A. **Application Filing and Processing.** Applications for a Minor Conditional Use Permit or a Major Conditional Use Permit shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).
- C. **Additional Applications May Be Required.** When a conditional use is proposed in association with the physical development of a property as permitted by this chapter, a separate application for a Minor Plot Plan or Major Plot Plan, as appropriate, shall be filed for review and approval. When multiple applications are required for the same project, the applications shall be processed in accordance with Subsection 9.30.090.C (Multiple Entitlements).

#### **9.40.040 Approving Authority**

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- A. Minor Conditional Use Permit. Applications for a Minor Conditional Use Permit shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, conditionally approve, or deny applications for a Minor Conditional Use Permit.
- B. Major Conditional Use Permit. Applications for a Major Conditional Use Permit shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:
  - 1. Recommending Authority. The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Major Conditional Use Permit.
  - 2. Approving Authority. The designated approving authority is authorized to approve, conditionally approve, or deny an application for a Major Conditional Use Permit.

#### **9.40.050 Public Hearing and Notice**

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- A. Minor Conditional Use Permit. No public hearing is required prior to action on an application for a Minor Conditional Use Permit.
- B. Major Conditional Use Permit. The Planning Commission shall hold a public hearing prior to taking action on an application for a Major Conditional Use Permit. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

#### **9.40.060 Conditions of Approval**

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In approving an application for a Minor Conditional Use Permit or Major Conditional Use Permit, the approving authority may impose conditions of approval to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include, but shall not be limited to:

- A. Requirements for special building setbacks, open spaces, buffers, fences, walls and screening.
- B. Requirements for installation and maintenance of landscaping and erosion control measures.
- C. Requirements for street and other infrastructure improvements and related dedications.
- D. Regulation of vehicular ingress, egress, and traffic circulation.
- E. Regulation of hours of operation or other characteristics of operation.
- F. Requirements for security.
- G. Requirements for periodic review.
- H. Requirements for special building design and features to enhance aesthetics and integrate the use into the community.
- I. Other conditions as may be deemed necessary to make the findings required by this chapter.

#### **9.40.070 Findings for Approval**

---

Prior to approving an application for a Minor Conditional Use Permit or a Major Conditional Use Permit, the approving authority shall make all the following findings:

- A. The proposed design and location of the conditional use is consistent with the adopted General Plan and any applicable specific plan.

- B. The proposed design and location of the conditional use meets all applicable standards of development and operation of this Title, including any applicable specific use regulations.
- C. That the proposed site is adequate in size and shape to accommodate the conditional use in a manner that is compatible with existing and planned uses in the vicinity.
- D. That the proposed design and location of the conditional use will not be detrimental to the public health, safety or welfare, or materially injurious to uses, properties or improvements in the vicinity.

#### **9.40.080 Notice of Decision**

---

- A. Minor Conditional Use Permit. Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The Notice of Decision shall include:
  - 1. The application request as acted upon by the Director.
  - 2. The action taken by the Director.
  - 3. Findings as listed for the permit.
  - 4. The deadlines, criteria and fees for filing an appeal.
- B. Major Conditional Use Permit. Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

#### **9.40.090 Effective Date**

---

Minor Conditional Use Permits and Major Conditional Use Permits shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

#### **9.40.100 Appeals**

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Minor Conditional Use Permits and Major Conditional Use Permits are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

#### **9.40.110 Expiration**

---

Minor Conditional Use Permits and Major Conditional Use Permits shall expire three years from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

#### **9.40.120 Extension of Time**

---

Minor Conditional Use Permits and Major Conditional Use Permits may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

#### **9.40.130 Modifications**

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- A. An applicant may request a modification to an approved Minor Conditional Use Permit or an approved Major Conditional Use Permit after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 9.30.120 (Modifications to Previously Approved Permits).



- B. Modifications to an approved Minor Conditional Use Permit or an approved Major Conditional Use Permit may be requested independent from and shall not require modification to, any associated permits or approvals for the same property.

## **Chapter 9.45 Development Agreement**

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### **Contents:**

- 9.45.010 Purpose
- 9.45.020 Applicability
- 9.45.030 Application and Required Fees
- 9.45.040 Approving Authority
- 9.45.050 Public Hearing and Notice
- 9.45.060 Alterations
- 9.45.070 Findings for Approval
- 9.45.080 Notice of Decision
- 9.45.090 Effective Date
- 9.45.100 Appeals
- 9.45.110 Expiration
- 9.45.120 Extension of Time
- 9.45.130 Modifications
- 9.45.140 Required Content
- 9.45.150 Execution and Recordation
- 9.45.160 Annual Review
- 9.45.170 Violation of Agreement

### **9.45.010 Purpose**

---

The purpose of this chapter is to provide procedures and requirements for consideration of Development Agreements in compliance with the provisions of California Government Code Sections 65864 through 6589.5. The purpose of Development Agreements is to benefit the public, in that:

- A. Development Agreements increase the certainty in the approval of development projects, thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in and commitment to comprehensive planning, all leading to the maximum efficient utilization of resources at the least economic cost to the public.
- B. Development Agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules, and regulations, and subject to conditions of approval, thereby strengthening the public planning process, encouraging private participation in comprehensive planning, and reducing the economic costs of development.
- C. Development Agreements enable the City to plan or and finance public facilities, including but not limited to streets, sewerage, transportation drinking water, school, and utility facilities, thereby removing a serious impediment to the development of new housing.

### **9.45.020 Applicability**

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- A. Only a person who has legal or equitable interest in the subject property which is the subject of the Development Agreement, or his/her authorized agent, may submit an application for a Development Agreement.
- B. The City may enter into a Development Agreement within the City limits or within unincorporated territory within the Sphere of Influence.

#### **9.45.030 Application and Required Fees**

---

- A. Application Filing and Processing. Applications for a Development Agreement shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

#### **9.45.040 Approving Authority**

---

- A. Applications for a Development Agreement shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:
  - 1. Recommending Authority. The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Development Agreement.
  - 2. Approving Authority. The designated approving authority is authorized to approve, alter, or deny an application for a Development Agreement.

#### **9.45.050 Public Hearing and Notice**

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The Planning Commission shall hold a public hearing to make a recommendation on applications for a Development Agreement. The Planning Commission's recommendation shall be forwarded to the City Council. The City Council shall hold a public hearing prior to taking action on an application for a Development Agreement. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

#### **9.45.060 Alterations**

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In approving a Development Agreement, the approving authority may make alterations to the proposal to ensure that the proposed agreement will comply with the required findings.

#### **9.45.070 Findings for Approval**

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Pursuant to Government Code Section 65867.5, a Development Agreement shall be approved by ordinance and is subject to referendum. Prior to approving a Development Agreement as prescribed by this chapter, the approving authority shall make all the following findings:

- A. The proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.
- B. The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is or will be located.
- C. The proposed development agreement is in conformity with and will promote public convenience, general welfare and good land use practice.



- D. The proposed development agreement will not be detrimental to the health, safety and general welfare within the city.
- E. The proposed development agreement will not adversely affect the orderly development of the property or the preservation of property values.
- F. The proposed development agreement will promote and encourage the development of the proposed project by providing a greater degree of requisite certainty for the developer.
- G. The proposed development agreement that includes a subdivision, and any tentative map prepared for the subdivision, will comply with the provisions in Government Code Section 66473.7.

#### **9.45.080 Notice of Decision**

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Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

#### **9.45.090 Effective Date**

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Development Agreements shall become effective on the date specified in the agreement. For Development Agreements approved including property located outside the City limits within the Sphere of Influence which shall not become operative unless annexation proceedings annexing the property to the City are completed within the period of time specified by the agreement.

#### **9.45.100 Appeals**

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Actions taken by the City Council are final and are not subject to appeal.

#### **9.45.110 Expiration**

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A Development Agreement shall expire as specified in the terms of the agreement.

#### **9.45.120 Extension of Time**

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Extensions of time requested following execution of a Development Agreement shall be processed in accordance with Section 9.45.130 (Modifications).

#### **9.45.130 Modifications**

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Except as otherwise provided by law, a Development Agreement may be modified or terminated, in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. The procedure for initiating and adopting an amendment or termination, in whole or in part, is the same as the procedure for entering into the original agreement. A modification or termination of a Development Agreement shall be subject to the provisions of Section 9.45.150 (Execution and Recordation).

#### **9.45.140 Required Content**

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- A. A Development Agreement shall specify:
  - 1. The duration of the agreement.
  - 2. The permitted uses of the property.
  - 3. The density or intensity of the use.
  - 4. The maximum height and size of proposed buildings.
  - 5. Provisions for preservation or dedication of land for public purposes.



- B. The Development Agreement may include conditions, terms, restrictions and requirements for subsequent discretionary actions. The agreement may provide that construction shall be commenced within a specific time and that the project or any phase thereof be completed within a specified time. The agreement may also include terms and conditions relating to applicant or public financing of necessary public facilities and subsequent reimbursements.
- C. For Development Agreements including property located outside the City limits within the Sphere of Influence, the agreement shall specify a time period by which annexation of the subject property is to be completed.

#### **9.45.150 Execution and Recordation**

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- A. After the Ordinance approving the Development Agreement takes effect, the City shall enter into the Development Agreement by signature of the Mayor or his/her designee.
- B. The City shall not execute a Development Agreement until it has been executed by the applicant.
- C. Not more than 10 days following the execution of a Development Agreement by the City, the City Clerk shall record with the County Recorder a copy of the executed agreement.

#### **9.45.160 Annual Review**

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The Community Development Director shall review the Development Agreement at least every 12 months. The applicant or successor in interest thereto, shall be required to demonstrate good faith compliance with the terms of the agreement. If the Community Development Director determines, based on substantial evidence, that the applicant, or successor in interest thereto has complied in good faith with all terms and conditions of the agreement during the period of review, the review for that period is concluded.

#### **9.45.170 Violation of Agreement**

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- A. Notwithstanding Subsection 9.45.160 (Annual Review), where the Community Director finds, based on substantial evidence, that the applicant, or successor in interest thereto, has not complied in good faith with the terms and conditions of the agreement, a public hearing shall be scheduled to review the applicant's conformance with the agreement. Procedures for the conduct of such hearing shall be the same as provided herein for consideration of the original agreement. If, on the basis of substantial evidence, the applicant, or successor in interest thereto, has not complied in good faith with the terms and conditions of the agreement, the City Council may amend or terminate the agreement.
- B. For Development Agreements including property located outside the City limits within the Sphere of Influence, should annexation of the subject property not be completed within the period of time specified by the agreement, or any extension thereof, the agreement is null and void.

### **Chapter 9.50 General Plan Amendment**

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Contents:

- 9.50.010 Purpose
- 9.50.020 Applicability
- 9.50.030 Application and Required Fees
- 9.50.040 Approving Authority
- 9.50.050 Public Hearing and Notice
- 9.50.060 Alterations
- 9.50.070 Findings for Approval



- 9.50.080 Notice of Decision
- 9.50.090 Effective Date
- 9.50.100 Appeals
- 9.50.110 Expiration
- 9.50.120 Extension of Time
- 9.50.130 Amendments
- 9.50.140 Frequency of Amendments
- 9.50.150 Additional Notice Required

### **9.50.010 Purpose**

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This Chapter establishes guidelines and procedures for amending the General Plan. The General Plan and these procedures are to be consistent with state planning laws (California Government Code Section 65300 et seq.).

### **9.50.020 Applicability**

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A General Plan Amendment is required for any amendment to the General Plan goals, policies or implementation actions or any change to the General Plan land use or other designations on any figures contained in the General Plan.

### **9.50.030 Application and Required Fees**

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- A. Application Filing and Processing. Applications for a General Plan Amendment shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

### **9.50.040 Approving Authority**

---

Applications for a General Plan Amendment shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:

1. Recommending Authority. The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a General Plan Amendment.
2. Approving Authority. The designated approving authority is authorized to approve, conditionally approve, or deny an application for a General Plan Amendment.

### **9.50.050 Public Hearing and Notice**

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The Planning Commission shall hold a public hearing to make a recommendation on an application for a General Plan Amendment. The Planning Commission's recommendation shall be forwarded to the City Council. The City Council shall hold a public hearing prior to taking action on an application for a General Plan Amendment. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

### **9.50.060 Alterations**

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In approving a General Plan Amendment, the approving authority may make alterations to the proposal to ensure that the approval will comply with the required findings. Any substantial alteration made to the proposed General Plan Amendment that was not previously considered by the Planning Commission must be referred back to the Planning Commission for its recommendation in accordance with Section 9.30.090.F (Approving Authority).

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### **9.50.070 Findings for Approval**

Prior to approving a General Plan Amendment, the approving authority shall make all the following findings, which shall be made by resolution:

- A. The amendment is consistent with the intent of the vision, goals and policies of the General Plan as a whole.
- B. The amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.
- C. The amendment provides for the protection of the general health, safety and/or welfare of the community.

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### **9.50.080 Notice of Decision**

Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

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### **9.50.090 Effective Date**

General Plan Amendments shall become effective immediately following the date of adoption.

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### **9.50.100 Appeals**

Actions taken by the City Council are final and are not subject to appeal.

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### **9.50.110 Expiration**

Approved General Plan Amendments do not expire.

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### **9.50.120 Extension of Time**

No extensions of time are necessary as an approved General Plan Amendment does not expire.

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### **9.50.130 Amendments**

Any amendments affecting an approved General Plan Amendment shall be handled as a new application.

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### **9.50.140 Frequency of Amendments**

Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.

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### **9.50.150 Additional Notice Required**



Pursuant to Government Code Section 65352, at least 45 days prior to Council action on a proposed General Plan Amendment, the Community Development Director shall notify the County, the Local Agency Formation Commission (LAFCO), any applicable Native American Tribes, and any area-wide planning agency or federal agency whose operations may be significantly affected by the proposed action and each governmental body, commission, or board, including those of any school or special districts, whose jurisdiction lies wholly or partially within the City whose functions include recommending, preparing plans for, or constructing major public works projects.

## **Chapter 9.55 Home Occupation Permit and Home-Based Business Permit**

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### **Contents:**

- 9.55.010 Purpose
- 9.55.020 Applicability
- 9.55.030 Application and Required Fees
- 9.55.040 Approving Authority
- 9.55.050 Public Hearing and Notice
- 9.55.060 Standards and Conditions of Approval
- 9.55.070 Findings for Approval
- 9.55.080 Notice of Decision
- 9.55.090 Effective Date
- 9.55.100 Appeals
- 9.55.110 Expiration
- 9.55.120 Extension of Time
- 9.55.130 Modifications
- 9.55.140 Transferability

### **9.55.010 Purpose**

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The purpose of this chapter is to establish a review procedure so that certain incidental and accessory uses may be established in residential neighborhoods under conditions that will ensure their compatibility with the neighborhood. They are intended to protect the rights of the residents to engage in certain home occupations that are harmonious with a residential environment.

### **9.55.020 Applicability**

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- A. Home Occupation Permit or Home-based Business Permit Required. The provisions of this chapter shall apply to the operation of home-operated businesses and occupations in residential dwellings or on residential properties. A home-operated business may be permitted as an accessory use on any residential property with a Home Occupation Permit or a Home-Based Business Permit.
- B. Level of Permit Required. The following applicability thresholds shall be used to determine if the proposed project shall require a Home Occupation Permit or a Home-Based Business Permit.
  - 1. Home Occupation Permit. A Home Occupation Permit shall be required if the proposed home-operated business meets all the following criteria, except as specifically exempted by this chapter:

- a. All related activities are conducted entirely within an enclosed structure.
- b. No non-resident employees visit the home in the course of operating the business, except as follows:
  - i. Up to one non-resident employee is permitted for beauty shops and day care homes.
- 2. Home-Based Business Permit. A Home-Based Business Permit shall be required if the proposed home-operated business meets any of the following criteria, except as specifically exempted by this chapter:
  - a. Any related activities are conducted outside or within a partially enclosed structure.
  - b. Non-resident employees visit in the course of operating the business.
- C. Prohibited Home-Operated Businesses. Certain uses are not compatible with residential activities and shall be prohibited. Prohibited home-operated businesses shall include those that do not meet the criteria of Chapter 9.255 (Home Occupation and Home-Based Business).

### **9.55.030 Application and Required Fees**

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- A. Application Filing and Processing. Applications for Home Occupation Permits and Home-Based Business Permits shall be filed and processed in accordance with Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Chapter 9.30.020 (Applications and Fees).
- C. Business License Required. A home-operated business shall require a City business license.
- D. Owner Consent. For home-operated businesses conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to submittal of an application for a Home Occupation Permit or a Home-Based Business Permit.

### **9.55.040 Approving Authority**

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Applications for a Home Occupation Permit or a Home-Based Business Permit shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, conditionally approve, or deny applications for a Home Occupation Permit or a Home-Based Business Permit.

### **9.55.050 Public Hearing and Notice**

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No public hearing is required prior to action on an application for a Home Occupation Permit or a Home-Based Business Permit.

### **9.55.060 Standards and Conditions of Approval**

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In approving a Home Occupation Permit or a Home-Based Business Permit, the approving authority may impose reasonable and appropriate standards of approval to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

### **9.55.070 Findings for Approval**

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- A. Home Occupation Permit. Prior to approving an application for a Home Occupation Permit, the approving authority shall make all the following findings:
  - 1. The proposed project is consistent with the adopted General Plan and any applicable specific plan.



2. The proposed project meets all applicable development and operational standards for development and other provisions of this Title.
- B. Home-Based Business Permit. Prior to approving an application for a Home-Based Business Permit, the approving authority shall make all the following findings:
1. The proposed project is consistent with the adopted General Plan and any applicable specific plan.
  2. The proposed project meets all applicable development and operational standards for development and other provisions of this Title.
  3. The establishment, maintenance, or operation of the home-based business will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city.

### **9.55.080 Notice of Decision**

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- A. Home Occupation Permit. Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The Notice of Decision shall include:
1. The application request as acted upon by the Director.
  2. The action taken by the Director.
  3. Findings as listed for the permit.
- B. Home-Based Business Permit. Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The Notice of Decision shall include:
1. The application request as acted upon by the Director.
  2. The action taken by the Director.
  3. Findings as listed for the permit.
  4. The deadlines, criteria and fees for filing an appeal.

### **9.55.090 Effective Date**

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- A. Home Occupation Permit. Minor Home-Based Business Permits shall become effective on the date an approval is issued by the approving authority.
- B. Home-Based Business Permit. Major Home-Based Business Permits shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

### **9.55.100 Appeals**

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- A. Home Occupation Permit. Home Occupation Permits are ministerial and are not subject to appeal.
- B. Home-Based Business Permit. Home-Based Business Permits are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

### **9.55.110 Expiration**

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- A. Home-Based Business Permit. An approved Home Occupation Permit does not expire.



- B. Home-Based Business Permit. Home-Based Business Permits shall expire one year from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.55.120 Extension of Time**

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- A. Home Occupation Permit. No extensions of time are necessary as an approved Home Occupation Permit does not expire.
- B. Home-Based Business Permit. Home-Based Business Permits may be extended in accordance with Subsection 9.30.110.C (Permit Extensions) are subject to appeal.

### **9.55.130 Modifications**

---

- A. Home Occupation Permit. Any modification to an approved Home Occupation Permit shall be processed as a new application.
- B. Home-Based Business Permit. An applicant may request a modification to an approved Home-Based Business Permit after the final written decision is issued and the permit becomes effective. Modifications shall be processed in accordance with Section 9.30.120 (Modifications to Previously Approved Permits).

### **9.55.140 Transferability**

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Home Occupation Permits and Home-Based Business Permits are not transferrable to another property or business operator without approval of a new application and approval of a new business license.

## **Chapter 9.60 Large Family Day Care Home Permit**

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Contents:

- 9.60.010 Purpose
- 9.60.020 Applicability
- 9.60.030 Application and Required Fees
- 9.60.040 Approving Authority
- 9.60.050 Public Hearing and Notice
- 9.60.060 Standards of Approval
- 9.60.070 Findings for Approval
- 9.60.080 Notice of Decision
- 9.60.090 Effective Date
- 9.60.100 Appeals
- 9.60.110 Expiration
- 9.60.120 Extension of Time
- 9.60.130 Modifications
- 9.60.140 Standards of Approval

### **9.60.010 Purpose**

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It is the policy of the City, pursuant to the California Health and Safety Code Chapter 3.6 Family Day Care Homes, to provide for family day care homes in normal residential surroundings so as to give children the home environment which is conducive to healthy and safe development. This chapter establishes procedures for the review and approval of large family day care homes to ensure that they are compatible with the surrounding neighborhood character in compliance with state law.

#### **9.60.020 Applicability**

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A Large Family Day Care Home Permit is required prior to the establishment of a large family day care home.

#### **9.60.030 Application and Required Fees**

---

- A. Application Filing and Processing. Applications for a Large Family Day Care Home Permit shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

#### **9.60.040 Approving Authority**

---

Applications for a Large Family Day Care Home Permit shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny applications for a Large Family Day Care Home Permit.

#### **9.60.050 Public Hearing and Notice**

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No public hearing is required prior to action on an application for a Large Family Day Care Permit.

#### **9.60.060 Standards of Approval**

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In approving a Large Family Day Care Home Permit, the approving authority may impose reasonable and appropriate standards of approval to achieve the purposes of this Title and consistent with Health and Safety Code Section 1597.46, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

#### **9.60.070 Findings for Approval**

---

Prior to approving an application for a Large Family Day Care Permit, the approving authority shall make all the following findings:

- A. The large family day care home is consistent with the adopted General Plan and any applicable specific plan.
- B. The large family day care home meets all applicable standards for development and provisions of this Title, including any applicable standards of approval.

#### **9.60.080 Notice of Decision**

---

Written notice of decision shall be provided within three business days of the date of decision to the applicant and to any interested parties who have requested notices in writing. The notice shall include:



- A. The application request as acted upon by the Director.
- B. The action taken by the Director.
- C. Findings as listed for the request.

### **9.60.090 Effective Date**

---

Large Family Day Care Home Permits shall become effective on the date an approval is issued by the approving authority.

### **9.60.100 Appeals**

---

Large Family Day Care Permits are ministerial and are not subject to appeal.

### **9.60.110 Expiration**

---

A Large Family Day Care Permit shall expire one year from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.60.120 Extension of Time**

---

Large Family Day Care Home Permits may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### **9.60.130 Modifications**

---

Any modification to an approved Large Family Day Care Home Permit shall be processed as a new application.

### **9.60.140 Standards of Approval**

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No application for a large family day care home permit shall be approved unless it complies with the following standards:

- A. The applicant shall obtain a valid state license to operate a large family day care home on the site within 180 days of the date of issuance of a large family day care home permit. Within fourteen days of issuance of the state license, the applicant shall provide a certified copy of the license to the Community Development Director. The Director shall insure that the applicant has obtained a state license in a timely manner. The applicant's failure to obtain a state license or to provide a certified copy of the license to the Director may result in revocation of the large family day care home permit as provided in Subsection 9.60.140.H of this chapter.
- B. The site shall be zoned for residential uses.
- C. The unloading and loading of vehicle occupants shall only be permitted on the driveway, approved parking area, or directly in front of the site and shall not unduly restrict traffic flow. Residences located on arterial streets shall provide a drop-off and pickup area designed to prevent vehicles from backing into the roadway.
- D. The applicant shall comply with all applicable State Fire Marshall regulations.
- E. The site shall not be located within 300 feet of any other large family day care home, small family day care home, board and care home, group home or half-way house measured property line to property line.

- F. To ensure the health and safety of children in family homes that provide daycare as specified within Sections 1597.30 and 1597.46 of the Health and Safety Code, if the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.
- G. An on-site identification sign may be permitted in accordance with the provisions of Subsection 9.255.040.K (Development Standards) or may be approved with the large family day care permit if submitted concurrently.

## **Chapter 9.65 Master Sign Program**

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### Contents:

- 9.65.010 Purpose
- 9.65.020 Applicability
- 9.65.030 Application and Required Fees
- 9.65.040 Approving Authority
- 9.65.050 Public Hearing and Notice
- 9.65.060 Standards and Conditions of Approval
- 9.65.070 Findings for Approval
- 9.65.080 Notice of Decision
- 9.65.090 Effective Date
- 9.65.100 Appeals
- 9.65.110 Expiration
- 9.65.120 Extension of Time
- 9.65.130 Modifications

### **9.65.010 Purpose**

---

The purpose of this chapter is to establish review procedures for a master sign program to allow for the integration of a project's signs with the design of the structures to achieve a unified architectural statement of high quality.

### **9.65.020 Applicability**

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- A. **Minor Master Sign Program.** A Minor Master Sign Program shall be required for all multi-tenant shopping centers, office parks, and other multi-tenant, mixed-use, or otherwise integrated developments of three or more separate tenants/uses that share buildings, public spaces, landscape, and/or parking facilities that are proposing signs consistent with the development standards specified in Chapter 9.220 (Sign Regulations).
- B. **Major Master Sign Program.** A Major Master Sign Program shall be required for all multi-tenant shopping centers, office parks, and other multi-tenant, mixed-use, or otherwise integrated developments of three or more separate tenants/uses that share buildings, public spaces, landscape, and/or parking facilities that are proposing signs that require exceptions to the development standards specified in Chapter 9.220 (Sign Regulations).

### **9.65.030 Application and Required Fees**

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- A. **Application Filing and Processing.** Applications for a Minor Master Sign Program or a Major Master Sign Program shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).



- B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

#### **9.65.040 Approving Authority**

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- A. **Minor Master Sign Program.** Applications for a Minor Master Sign Program shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for a Minor Master Sign Program.
- B. **Major Master Sign Program.** Applications for a Major Master Sign Program shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:
  - 4. **Recommending Authority.** The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Major Master Sign Program.
  - 5. **Approving Authority.** The designated approving authority is authorized to approve, conditionally approve, or deny an application for a Major Master Sign Program.

#### **9.65.050 Public Hearing and Notice**

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- A. **Minor Master Sign Program.** No public hearing is required prior to action on an application for a Minor Master Sign Program.
- B. **Major Master Sign Program.** The Planning Commission shall hold a public hearing prior to taking action on an application for a Major Master Sign Program. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

#### **9.65.060 Standards and Conditions of Approval**

---

In approving an application for a Minor Master Sign Program or an application Major Master Sign Program, the approving authority may impose reasonable and appropriate standards to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

#### **9.65.070 Findings for Approval**

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- A. **Minor Master Sign Permit.** Prior to approving an application for a Minor Master Sign Permit, the approving authority shall make all the following findings:
  - 1. The proposed master sign program is consistent with the development standards for signs as provided in Chapter 9.265 (Sign Regulations).
  - 2. The design, location, and scale of proposed signs for the integrated development are in keeping with the architectural character of the development.
- B. **Major Master Sign Permit.** Prior to approving an application for a Major Master Sign Permit, the approving authority shall make all the following findings:
  - 1. The design, location, and scale of proposed signs for the integrated development are in keeping with the architectural character of the development.
  - 2. The design, location, and scale of proposed signs will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the project.



3. The proposed signs are consistent with the purposes of the General Plan or any applicable specific plan or development agreement.

### **9.65.080 Notice of Decision**

---

- A. Minor Master Sign Program. Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The notice shall include:
  4. The application request as acted upon by the Director.
  5. The action taken by the Director.
  6. Findings as listed for the permit.
- B. Major Master Sign Program. Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

### **9.65.090 Effective Date**

---

- A. Minor Master Sign Program. Minor Master Sign Program shall become effective on the date an approval is issued by the approving authority.
- B. Major Master Sign Program. Major Master Sign Program shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

### **9.65.100 Appeals**

---

- A. Minor Master Sign Program. Minor Master Sign Program are ministerial and are not subject to appeal.
- B. Major Master Sign Program. Major Master Sign Program are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

### **9.65.110 Expiration**

---

Minor Master Sign Programs and Major Master Sign Programs shall expire three years from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.65.120 Extension of Time**

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Minor Master Sign Programs and Major Master Sign Programs may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### **9.65.130 Modifications**

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- A. Minor Master Sign Program. Any modification to an approved Minor Master Program shall be processed as a new application.
- B. Major Master Sign Program. An applicant may request a modification to an approved Major Master Program after the final written decision is issued and the permit becomes effective. Modifications shall be processed in accordance with Section 9.30.120 (Modifications to Previously Approved Permits).

## **Chapter 9.70 Minor Exception**

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Contents:



- 9.70.010 Purpose
- 9.70.020 Applicability
- 9.70.030 Application and Required Fees
- 9.70.040 Approving Authority
- 9.70.050 Public Hearing and Notice
- 9.70.060 Conditions of Approval
- 9.70.070 Findings for Approval
- 9.70.080 Notice of Decision
- 9.70.090 Effective Date
- 9.70.100 Appeals
- 9.70.110 Expiration
- 9.70.120 Extension of Time
- 9.70.130 Modifications

### **9.70.010 Purpose**

---

Exceptions to development standards may be necessary to allow creative design solutions and to accommodate unique site conditions. The minor exception process allows minor deviations from certain requirements of this Title to be approved at the administrative level to provide relief from the unintended consequences of the strict application of development standards.

### **9.70.020 Applicability**

---

A Minor Exception may be applied to the following development standards in any zone to the maximum reduction or increase as specified. Minor Exceptions do not apply to land use or density and shall not waive or modify a specific prohibition or procedural requirement.

- A. Reduce required setbacks to a maximum exception of 10 percent.
- B. Increase building height to a maximum exception of 10 percent.
- C. Increase lot coverage to a maximum of 10 percent or up to 1,000 square feet, whichever is less.
- D. Increase fence, wall and screen (height only) to a maximum of 10 percent.
- E. Reduce off-street parking requirements (excluding stall and aisle dimensions) to a maximum of 10 percent.
- F. Increase sign height to a maximum of 10 percent or 12 inches, whichever is less.
- G. Increase sign letter height to a maximum of 10 percent.
- H. Increase sign area to a maximum of 10 percent.
- I. Location of an accessory dwelling unit to the front of a primary dwelling unit.
- J. Minor exceptions as determined by the Director that provide relief of no more than 10 percent from the identified standard and meet the intent and purpose of this Title.

### **9.70.030 Application and Required Fees**

---

- A. Application Filing and Processing. Applications for a Minor Exception shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).



- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

#### **9.70.040 Approving Authority**

---

Applications for a Minor Exception shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, conditionally approve, or deny an application for a Minor Exception.

#### **9.70.050 Public Hearing and Notice**

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No public hearing is required prior to taking action on an application for a Minor Exception.

#### **9.70.060 Conditions of Approval**

---

In approving an application for a Minor Exception, the approving authority may impose reasonable and appropriate conditions in order to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

#### **9.70.070 Findings for Approval**

---

Prior to approving an application for a Minor Exception, the approving authority shall make all the following findings:

- A. The proposed development is compatible with existing and proposed land uses in the surrounding area.
- B. Any exceptions to or deviations from the requirements or development standards result in the creation of appropriate and necessary project design solutions that would not be available through adherence to otherwise required provision of this Title provisions.
- C. Granting the minor exception will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the project.
- D. The proposed development is consistent with the purposes of the General Plan or any applicable specific plan or development agreement.

#### **9.70.080 Notice of Decision**

---

Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

- A. The application request as acted upon by the Director.
- B. The action taken by the Director.
- C. Findings as listed for the permit.
- D. The deadlines, criteria and fees for filing an appeal.

#### **9.70.090 Effective Date**

---

Minor Exceptions shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.



### **9.70.100 Appeals**

---

Actions taken on an application for a Minor Exception are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

### **9.70.110 Expiration**

---

Minor Exceptions shall expire one year from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.70.120 Extension of Time**

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The expiration date of a Minor Exception may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### **9.70.130 Modifications**

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Any modifications affecting an approved Minor Exception shall be handled as a new application.

## **Chapter 9.75 Planned Development**

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Contents:

- 9.75.010 Purpose
- 9.75.020 Applicability
- 9.75.030 Application and Required Fees
- 9.75.040 Approving Authority
- 9.75.050 Public Hearing and Notice
- 9.75.060 Conditions of Approval
- 9.75.070 Findings for Approval
- 9.75.080 Notice of Decision
- 9.75.090 Effective Date
- 9.75.100 Appeals
- 9.75.110 Expiration
- 9.75.120 Extension of Time
- 9.75.130 Amendments
- 9.75.140 Implementation

### **9.75.010 Purpose**

---

The purpose of a planned development is to provide a flexible vehicle for realizing the goals and policies of the adopted General Plan and securing amenities and broad community value greater than would otherwise be achieved through application of the primary zone regulations. Development within a planned development shall be demonstratively superior to the development that could occur under any other zone or combination of zones authorized by this Title that are consistent with the General Plan land use category applicable to the subject property. This chapter describes the process for adopting planned developments and approving subsequent development under a planned development.

**9.75.020 Applicability**

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- A. Planned Developments may be established for any property where flexibility in the applicable standards of development of this Title is necessary to take advantage of modern site planning techniques to result in a product of unique results and/or exceptional design that is in harmony with existing or potential development in the surrounding area. Establishment of a Planned Development (PD) Overlay zone is required prior to or concurrent with the establishment of a Planned Development.
- B. Planned Developments shall only be considered for parcel(s) measuring a minimum of 2.5 gross acres.

**9.75.030 Application and Required Fees**

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- A. Application Filing and Processing. Applications for a Planned Development shall be filed and processed in accordance with Chapter 9.30 (Common Application and Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).
- C. Overlay Zone Required. Initial approval of a Planned Development requires establishment of a Planned Development (PD) Overlay Zone prior to or concurrent with approval of the Planned Development.

**9.75.040 Approving Authority**

---

Applications for a Planned Development shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:

- A. Recommending Authority. The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Planned Development.
- B. Approving Authority. The designated approving authority is authorized to approve, conditionally approve, or deny an application for a Planned Development.

**9.75.050 Public Hearing and Notice**

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The Planning Commission shall hold a public hearing prior to taking action on an application for a Planned Development. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

**9.75.060 Conditions of Approval**

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- A. In approving an application for a Planned Development, the approving authority may impose conditions of approval to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. The approving body may impose such conditions as may be necessary to achieve these purposes, including but not limited to the following matters:
  - 1. Allowable uses and restrictions on specific uses or operations.
  - 2. Setbacks, yard areas and open spaces.
  - 3. Fences, walls and screening.
  - 4. Building materials, building scale, and architectural treatments.
  - 5. Parking, parking areas, and vehicular ingress and egress.
  - 6. Pedestrian and other non-vehicular circulation and access.
  - 7. Common and private open space, landscape, and maintenance of landscape and grounds.

- B. Compliance with any site plans, architectural drawings, landscape plans and related materials submitted in support of the application with such modifications thereof shall be required as a condition of approval.
- C. Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or surety bond in the amount fixed by the City, shall be required. The City may also require that proposed homeowner's association documents be submitted for review and approval of the City Attorney prior to submittal to the California Bureau of Real Estate.

### **9.75.070 Findings for Approval**

---

Prior to approving a Planned Development, the approving authority shall make all the following findings, which shall be made by resolution:

- A. The planned development is consistent with the adopted General Plan and any applicable specific plan.
- B. The planned development is in substantial compliance with the purpose and intent of this Title.
- C. The proposed site is adequate in size and shape to accommodate the planned development in a manner that is compatible with existing and planned uses in the vicinity.
- D. The proposed development will not have a substantial adverse effect on surrounding property or the permitted use thereof and will be compatible with the planned land use character of the surrounding area. The standards of development applicable to the planned development are clearly designated.
- E. The uses allowed within the planned development are clearly designated.
- F. The planned development will be well integrated into its setting.
- G. The planned development will make an overall contribution to the enhancement of the surrounding environment.

### **9.75.080 Notice of Decision**

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Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

### **9.75.090 Effective Date**

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Planned Developments shall become effective immediately following the date of adoption or upon the effective date of the associated PD Overlay, whichever is later.

### **9.75.100 Appeals**

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Actions taken by the City Council on an application for a Planned Development are final and are not subject to appeal.

### **9.75.110 Expiration**

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Planned Developments shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.75.120 Extension of Time**

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Planned Developments may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### **9.75.130 Amendments**

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An applicant may request an amendment to an approved Planned Development after the final written decision is issued and the permit becomes effective. Amendments shall be processed in accordance with Section 9.30.120 (Amendments to Previously Approved Permits).

### **9.75.140 Implementation**

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- A. **Final Site Development Plan.** Following approval of a Planned Development and prior to exercising the Planned Development, a final site development plan shall be submitted for administrative review to verify conformance with the Planned Development. The final site development plan shall include the following:
  - 1. All buildings to scale.
  - 2. Off-street parking facilities.
  - 3. Landscaping.
  - 4. Finished grades.
  - 5. Other details to demonstrate conformance with all the features, conditions and characteristics upon which the Planned Development was approved.
- B. **Compliance.** No permit shall be issued for any building or use except in full compliance with the Planned Development and final site development plan. Compliance shall be determined through the substantial conformance determination process, unless additional entitlements are required. The Director may require additional information to be submitted to demonstrate compliance.

## **Chapter 9.80 Plot Plan**

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Contents:

- 9.80.010 Purpose
- 9.80.020 Applicability
- 9.80.030 Application and Required Fees
- 9.80.040 Approving Authority
- 9.80.050 Public Hearing and Notice
- 9.80.060 Standards and Conditions of Approval
- 9.80.070 Findings for Approval
- 9.80.080 Notice of Decision
- 9.80.090 Effective Date
- 9.80.100 Appeals
- 9.80.110 Expiration
- 9.80.120 Extension of Time
- 9.80.130 Modifications

### **9.80.010 Purpose**

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The purpose of this chapter is to define the procedures for review and approval of permitted uses and the associated site development. Permitted uses are typically considered acceptable uses and may be reviewed in a timely and efficient manner when no impacts are anticipated to result. This chapter establishes a ministerial review process at the administrative level to facilitate permitted uses considered minor in nature while allowing the City to ensure conformance with all applicable local standards, ordinances, and other applicable plans and policies. This chapter also establishes a discretionary review process for review and approval of permitted uses and the associated site development when projects exceed certain size thresholds as larger projects may require special consideration, which may necessitate discretionary conditions of approval to ensure that uses are designed, located and operated in a manner that is compatible with uses on adjacent and nearby properties.

### **9.80.020 Applicability**

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- A. **Minor Plot Plan Required.** A Minor Plot Plan is required prior to establishment of any permitted use as indicated with a “P” on the allowed use tables contained in Chapter 9.125 (Agricultural and Rural Zones) through Chapter 9.150 (Public/Quasi-Public Facilities) and meeting the following criteria, except as specifically exempted by this chapter:
1. New construction of non-residential projects of up to 2,500 square feet of floor area where public improvements meeting City standards are in place and adequate infrastructure and utilities are provided.
  2. Structural additions of up to 2,500 square feet to existing non-residential facilities or 50 percent of the existing square footage, whichever is less. Square footage shall be the aggregate of all proposed structures.
  3. New construction of a residential project of up to six units where public improvements meeting City standards are in place and adequate infrastructure and utilities are provided.
  4. Additions or alterations to existing residential projects that result in up to six additional units.
  5. New construction or expansion of parking lots of 25 or fewer parking spaces.
  6. Modifications to parking and circulation configurations which change the basic parking areas or circulation patterns or which reduce the number of required parking spaces.
  7. Alterations to the architecture or exterior material or color changes which change the basic form and theme of an existing building or conflict with the original architectural form and theme of an existing building.
  8. Other projects similar to the above-listed criteria, as determined by the Director.
- B. **Major Plot Plan Required.** A Major Plot Plan is required prior to establishment of any permitted use as indicated with a “P” on the allowed use tables contained in Chapter 9.125 (Agricultural and Rural Zones) through Chapter 9.150 (Public/Quasi-Public Facilities) and meeting the following criteria, except as specifically exempted by this chapter:
1. Projects that do not meet the applicability criteria for Minor Plot Plans specified in Subsection 9.80.020.A or are more appropriately reviewed and evaluated as a Major Plot Plan, as determined by the Director.
  2. New construction of non-residential projects of more than 2,500 square feet of floor area.
  3. Structural additions of more than 2,500 square feet to existing non-residential facilities or 50% of the existing square footage, whichever is less.
  4. New construction of a residential project of more than six units.
  5. Additions or alterations to existing residential projects that result in more than six additional units.
  6. New construction or expansion of parking lots of more than 25 parking spaces.



- 7. Other projects similar to the above-listed criteria, as determined by the Director.
- C. Exemptions. Single-family homes are not subject to review and approval of a Plot Plan.

### **9.80.030 Application and Required Fees**

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- A. **Application Filing and Processing.** Applications for a Minor Plot Plan or Major Plot Plan shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).
- C. **Additional Applications May Be Required.** When a conditional use is proposed in association with the physical development of a property as permitted by this chapter, a separate application for a Minor Conditional Use Permit or Major Conditional Use Permit, as appropriate, shall be filed for review and approval. When multiple applications are required for the same project, the applications shall be processed in accordance with Subsection 9.30.090.C (Multiple Entitlements).

### **9.80.040 Approving Authority**

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- A. **Minor Plot Plan.** Applications for a Minor Plot Plan shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for a Minor Plot Plan.
- B. **Major Plot Plan.** Applications for a Major Plot Plan shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:
  - 1. **Recommending Authority.** The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Major Plot Plan.
  - 2. **Approving Authority.** The designated approving authority is authorized to approve, conditionally approve, or deny an application for a Major Plot Plan.

### **9.80.050 Public Hearing and Notice**

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- A. **Minor Plot Plan.** No public hearing is required prior to action on an application for a Minor Plot Plan.
- B. **Major Plot Plan.** The Planning Commission shall hold a public hearing prior to taking action on an application for a Major Plot Plan. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

### **9.80.060 Standards and Conditions of Approval**

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In approving an application for a Minor Plot Plan or an application for a Major Plot Plan, the approving authority may impose reasonable and appropriate standards of approval to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

### **9.80.070 Findings for Approval**

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- A. **Minor Plot Plan.** Prior to approving an application for a Minor Plot Plan, the approving authority shall make all the following findings:



1. The proposed project is consistent with the adopted General Plan and any applicable specific plan.
  2. The proposed project meets all applicable standards for development and provisions of this Title.
- B. Major Plot Plan. Prior to approving an application for a Major Plot Plan, the approving authority shall make all the following findings:
1. The proposed project is consistent with the adopted General Plan and any applicable specific plan.
  2. The proposed project meets all applicable standards for development and provisions of this Title.
  3. The establishment, maintenance, or operation of the proposed project will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the City.

### **9.80.080 Notice of Decision**

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- A. Minor Plot Plan. Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The notice shall include:
1. The application request as acted upon by the Director.
  2. The action taken by the Director.
  3. Findings as listed for the permit.
- B. Major Plot Plan. Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

### **9.80.090 Effective Date**

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- A. Minor Plot Plan. Minor Plot Plans shall become effective on the date an approval is issued by the approving authority.
- B. Major Plot Plan. Major Plot Plans shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

### **9.80.100 Appeals**

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- A. Minor Plot Plan. Minor Plot Plans are ministerial and are not subject to appeal.
- B. Major Plot Plan. Major Plot Plans are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

### **9.80.110 Expiration**

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Minor Plot Plans and Major Plot Plans shall expire three years from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.80.120 Extension of Time**

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Minor Plot Plans and Major Plot Plans may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### **9.80.130 Modifications**

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- A. Minor Plot Plan. Any modification to an approved Minor Plot Plan shall be processed as a new application.
- B. Major Plot Plan. An applicant may request a modification to an approved Major Plot Plan after the final written decision is issued and the permit becomes effective. Modifications shall be processed in accordance with Section 9.30.120 (Modifications to Previously Approved Permits).

## **Chapter 9.85 Reasonable Accommodation**

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### Contents:

- 9.85.010 Purpose
- 9.85.020 Applicability
- 9.85.030 Application and Required Fees
- 9.85.040 Approving Authority
- 9.85.050 Public Hearing and Notice
- 9.85.060 Conditions of Approval
- 9.85.070 Findings for Approval
- 9.85.080 Notice of Decision
- 9.85.090 Effective Date
- 9.85.100 Appeals
- 9.85.110 Expiration
- 9.85.120 Extension of Time
- 9.85.130 Modifications
- 9.85.140 Consideration Factors

### **9.85.010 Purpose**

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It is the policy of the City, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, and policies, practices and procedures of the City to comply fully with the intent and purpose of fair housing laws.

### **9.85.020 Applicability**

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A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing or commercial services to individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

### **9.85.030 Application and Required Fees**

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- A. Application Filing and Processing. Applications for a Reasonable Accommodation shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).





### **9.85.040 Approving Authority**

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Applications for a Reasonable Accommodation shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, conditionally approve, alter, or deny applications for a Reasonable Accommodation. The designated authority shall make a determination on the application for Reasonable Accommodation within 30 days from receipt of the application. Should additional information, consistent with fair housing laws, be requested from the applicant, the 30-day time period for making a determination on the application shall be suspended until the additional information is provided. If the approving authority fails to make a determination within the effective 30 days, the application shall be deemed approved. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

### **9.85.050 Public Hearing and Notice**

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No public hearing is required prior to taking action on an application for a Reasonable Accommodation.

### **9.85.060 Conditions of Approval**

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In approving an application for a Reasonable Accommodation, the approving authority may impose reasonable and appropriate conditions in order to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. The approving authority may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant.

### **9.85.070 Findings for Approval**

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Prior to approving an application for Reasonable Accommodation, the approving authority shall make all the following findings:

- A. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws.
- B. The requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws.
- C. The requested accommodation would not impose an undue financial or administrative burden on the City, as “undue financial or administrative burden” is defined in fair housing laws.
- D. The requested accommodation will not result in a fundamental alteration in the nature of the City’s zoning program, as “fundamental alteration” is defined in fair housing laws and interpretive case law.
- E. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

### **9.85.080 Notice of Decision**

---

Written notice of decision shall be provided within three business days of the date of decision to the applicant by certified mail and to interested parties who have requested notices in writing. The notice shall include:

- A. The application request as acted upon by the Director.
- B. The action taken by the Director.
- C. Findings as listed for the permit.
- D. The deadlines, criteria and fees for filing an appeal.



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### **9.85.090 Effective Date**

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Reasonable Accommodations shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

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### **9.85.100 Appeals**

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Actions taken on an application for a Reasonable Accommodation are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals), except that the period for filing an appeal of an action taken on an application for a Reasonable Accommodation shall be 30 days from the date of decision.

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### **9.85.110 Expiration**

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Reasonable Accommodations shall expire one year from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

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### **9.85.120 Extension of Time**

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The expiration date of a Reasonable Accommodation may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

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### **9.85.130 Modifications**

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Modifications to an approved Reasonable Accommodation shall be processed as a new application.

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### **9.85.140 Consideration Factors**

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- A. **Necessity of Accommodation.** The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:
1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;
  2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
  3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants; and
  4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.
- B. **Fundamental Alteration to Zoning Program.** The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning program:
1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;
  2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;



3. Whether the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan; and
4. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

## **Chapter 9.90 Sign Permit**

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### **Contents:**

- 9.90.010 Purpose
- 9.90.020 Applicability
- 9.90.030 Application and Required Fees
- 9.90.040 Approving Authority
- 9.90.050 Public Hearing and Notice
- 9.90.060 Standards of Approval
- 9.90.070 Findings for Approval
- 9.90.080 Notice of Decision
- 9.90.090 Effective Date
- 9.90.100 Appeals
- 9.90.110 Expiration
- 9.90.120 Extension of Time
- 9.90.130 Modifications

### **9.90.010 Purpose**

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The purpose of this chapter is to establish a review process for signs to ensure consistency with the requirements of this Title.

### **9.90.020 Applicability**

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A Sign Permit shall be required prior to the placing, erecting, moving, or reconstructing of any sign in the City, unless expressly exempted by this Title.

### **9.90.030 Application and Required Fees**

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- A. Application Filing and Processing. Applications for a Sign Permit shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

### **9.90.040 Approving Authority**

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Applications for a Sign Permit shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for a Sign Permit. When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign.

### **9.90.050 Public Hearing and Notice**

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No public hearing is required prior to taking action on an application for a Sign Permit.

### **9.90.060 Standards of Approval**

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In approving an application for a Sign Permit, the approving authority may impose reasonable and appropriate standards in order to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

### **9.90.070 Findings for Approval**

---

Prior to approving a Sign Permit, the approving authority shall make all the following findings:

- A. The sign is consistent with the adopted General Plan and any applicable specific plan.
- B. The sign meets all applicable standards for development and provisions of this Title.

### **9.90.080 Notice of Decision**

---

Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

- A. The application request as acted upon by the Director.
- B. The action taken by the Director.

### **9.90.090 Effective Date**

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Sign Permits shall become effective on the date an approval is issued by the approving authority.

### **9.90.100 Appeals**

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Sign Permits are ministerial and are not subject to appeal.

### **9.90.110 Expiration**

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Sign Permits shall expire two years from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.90.120 Extension of Time**

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The expiration date of a Sign Permit may be extended in accordance with Section 9.30.110.C (Permit Time Limits, Expiration, and Extensions).

### **9.90.130 Modifications**

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Any modifications affecting an approved Sign Permit shall be handled as a new application.



## **Chapter 9.95 Similar Use Determination**

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### **Contents:**

- 9.95.010 Purpose
- 9.95.020 Applicability
- 9.95.030 Application and Required Fees
- 9.95.040 Approving Authority
- 9.95.050 Public Hearing and Notice
- 9.95.060 Standards of Approval
- 9.95.070 Findings for Approval
- 9.95.080 Notice of Decision
- 9.95.090 Effective Date
- 9.95.100 Appeals
- 9.95.110 Expiration
- 9.95.120 Extension of Time
- 9.95.130 Modifications
- 9.95.140 Record of Determinations

### **9.95.010 Purpose**

---

The allowed use tables of this Title may not include all possible uses. When a specific use is not listed and it is unclear whether the use is permitted by right, permitted conditionally, or prohibited, the Similar Use Determination establishes a process for the review and possible addition of new uses to the allowed use tables.

### **9.95.020 Applicability**

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A Similar Use Determination is required when a use is not specifically listed in this Title but may be allowed if it is determined to be similar in nature to a use that is permitted by right or conditionally permitted.

### **9.95.030 Application and Required Fees**

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- A. Application Filing and Processing. Applications for a Similar Use Determination shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

### **9.95.040 Approving Authority**

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Applications for a Similar Use Determination shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for a Similar Use Determination.

### **9.95.050 Public Hearing and Notice**

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No public hearing is required prior to taking action on an application for a Similar Use Determination.





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### **9.95.060 Standards of Approval**

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In approving an application for a Similar Use Determination, the approving authority may make modifications to the request in order to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings.

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### **9.95.070 Findings for Approval**

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Prior to approving a Similar Use Determination, the approving authority shall make all the following findings:

- A. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher intensity of activity, environmental impact, or population density than other uses permitted in the zone.
- B. The proposed use is consistent with the purposes of the applicable zone.
- C. The proposed use is consistent with the goals and policies of the adopted General Plan and any applicable specific plan.

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### **9.95.080 Notice of Decision**

---

Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties who have requested notices in writing. The notice shall include:

- A. The application request as acted upon by the approving authority.
- B. The action taken by the approving authority.
- C. Findings as listed for the approval.
- D. The deadlines, criteria and fees for filing an appeal.

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### **9.95.090 Effective Date**

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Similar Use Determinations shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

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### **9.95.100 Appeals**

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Actions taken on an application for a Similar Use Determination are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

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### **9.95.110 Expiration**

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Approved Similar Use Determinations do not expire.

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### **9.95.120 Extension of Time**

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No extensions of time are necessary as an approved Similar Use Determination does not expire.

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### **9.95.130 Modifications**

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Any modifications affecting an approved Similar Use Determination shall be handled as a new application.



## **9.95.140 Record of Determinations**

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The Community Development Department shall maintain all such determinations on record for review by the public upon request.

## **Chapter 9.100 Specific Plan**

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Contents:

- 9.100.010 Purpose
- 9.100.020 Applicability
- 9.100.030 Application and Required Fees
- 9.100.040 Approving Authority
- 9.100.050 Public Hearing and Notice
- 9.100.060 Alterations
- 9.100.070 Findings for Approval
- 9.100.080 Notice of Decision
- 9.100.090 Effective Date
- 9.100.100 Appeals
- 9.100.110 Expiration
- 9.100.120 Extension of Time
- 9.100.130 Modifications
- 9.100.140 Specific Plan Content
- 9.100.150 Adoption
- 9.100.160 Relationship to this Title

### **9.100.010 Purpose**

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The purpose of this chapter is to establish procedures for adoption, maintenance and administration of specific plans in accordance with the provisions of Sections 65450 through 65457 of the California Government Code, and as may be required for the implementation of the General Plan. The purpose of a specific plan is to establish policies and development standards that address area-specific issues. The specific plan serves as a regulatory document, consistent with the General Plan.

### **9.100.020 Applicability**

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The following shall serve as a guide for the appropriate use of specific plans:

- A. Where unique results or treatments are desired or in areas having sensitive environmental qualities.
- B. Where there is a complicated mixture of conditions such as new development, deteriorated structures, underutilized land and mixed uses.
- C. Where there is a need to incorporate considerable detail in a proposed development project which would justify its approval.
- D. Where it is more cost-effective to include, with the proposed project, a Master Environmental Impact Report so that subsequent projects within the specific plan area would require no further environmental documentation or require only focused environmental reports.

### **9.100.030 Application and Required Fees**

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- A. **Application Filing and Processing.** Applications for a Specific Plan shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).
- C. **General Plan Land Use Map Amendment Required.** Initial approval of a Specific Plan requires amendment to the General Plan Land Use Map concurrent with the approval of the Specific Plan.
- D. **Zone Change Required.** Initial approval of a Specific Plan requires establishment of the Specific Plan (SP) Zone concurrent with approval of the Specific Plan.

### **9.100.040 Approving Authority**

---

Applications for a Specific Plan shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:

- A. **Recommending Authority.** The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Specific Plan.
- B. **Approving Authority.** The designated approving authority is authorized to approve, conditionally approve, alter, or deny an application for a Specific Plan.

### **9.100.050 Public Hearing and Notice**

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The Planning Commission shall hold a public hearing to make a recommendation on an application for a Specific Plan. The Planning Commission's recommendation shall be forwarded to the City Council. The City Council shall hold a public hearing prior to taking action on an application for a Specific Plan. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

### **9.100.060 Alterations**

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In approving an application for a Specific Plan, the City Council may make alterations to the proposal to ensure that the specific plan will comply with the required findings. Any substantial alteration made to the proposed Specific Plan Amendment that was not previously considered by the Planning Commission must be referred back to the Planning Commission for its recommendation in accordance with Section 9.30.090.F (Approving Authority).

### **9.100.070 Findings for Approval**

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Prior to approving an application for a Specific Plan, the approving authority shall make all of the following findings, which shall be made by ordinance:

- A. The specific plan is consistent with the intent of the goals and policies of the General Plan and is not inconsistent with any element thereof.
- B. The specific plan prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.
- C. The specific plan provides reasonable property development rights while protecting environmentally sensitive land uses and species.

D. The specific plan provides for the protection of the health, safety, and/or general welfare of the community.

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### **9.100.080 Notice of Decision**

Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

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### **9.100.090 Effective Date**

Specific Plans shall become effective on the 31st day following the date of approval.

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### **9.100.100 Appeals**

Actions taken by the City Council on an application for a Specific Plan are final and are not subject to appeal.

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### **9.100.110 Expiration**

Approved Specific Plans do not expire.

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### **9.100.120 Extension of Time**

No extensions of time are necessary as an approved Specific Plan does not expire.

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### **9.100.130 Modifications**

An applicant may request an modification to an approved Specific Plan after the final written decision is issued and the permit becomes effective. Modifications shall be processed in accordance with Section 9.30.120 (Modifications to Previously Approved Permits).

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### **9.100.140 Specific Plan Content**

A specific plan may include written text, maps, diagrams, and descriptions of allowable uses. At a minimum, specific plans shall include:

- A. A statement of the relationship of the specific plan to the General Plan.
- B. A map indicating the distribution, location, and extent of land uses, including open space, within the area covered by the plan.
- C. All permitted uses and land use densities.
- D. Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable.
- E. A map and/or text specifying the proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, energy and other essential facilities in the specific plan area.
- F. Public works projects, programs and implementation measures necessary to carry out the specific plan's stated purpose.
- G. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the above noted provisions of the specific plan.

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### **9.100.150 Adoption**



- A. Upon approval of the Specific Plan by the City Council, the General Plan Land Use Map shall be amended to identify the area covered by the plan.
- B. The approved Specific Plan shall be filed in the office of the City Clerk and in the Community Development Department.

### **9.100.160 Relationship to this Title**

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Development standards, procedural regulations and other provisions of this Title shall apply within a specific plan except where they conflict with provisions of the specific plan.

### **Chapter 9.105 Temporary Use Permit**

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Contents:

- 9.105.010 Purpose
- 9.105.020 Applicability
- 9.105.030 Application and Required Fees
- 9.105.040 Approving Authority
- 9.105.050 Public Hearing and Notice
- 9.105.060 Conditions of Approval
- 9.105.070 Findings for Approval
- 9.105.080 Notice of Decision
- 9.105.090 Effective Date
- 9.105.100 Appeals
- 9.105.110 Expiration
- 9.105.120 Extension of Time
- 9.105.130 Modifications
- 9.105.140 Transferability
- 9.105.150 Standards of Approval – General
- 9.105.160 Standards of Approval – Standards by Activity/Use

#### **9.105.010 Purpose**

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Temporary use permits provide a process for review of short-term activities that may not meet the normal development or use standards of the applicable zone but may be acceptable because of their temporary nature. The intent of these regulations is to establish a process for the review of temporary uses and to ensure that the temporary use does not adversely impact the long-term uses of the same or neighboring sites, or impact the general health, safety, and welfare of persons residing within the community.

#### **9.105.020 Applicability**

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- A. **Temporary Use Permit Required.** A Temporary Use Permit is required prior to establishment of any temporary use as identified in Chapter 9.105 (Temporary Uses) or as otherwise required by this Title.
- B. **Level of Temporary Use Permit Required.** The following applicability thresholds shall be used to determine if the proposed project shall require a Minor Temporary Use Permit or a Major Temporary Use Permit.
  - 1. **Minor Temporary Use Permit.** A Minor Temporary Use Permit shall be required for temporary uses meeting all the following criteria:



- a. The temporary use does not impact surrounding properties, as determined by the Director.
  - b. The temporary use is exempt from CEQA.
2. Major Temporary Use Permit. A Major Temporary Use Permit shall be required for temporary uses meeting any of the following criteria:
- a. The temporary use does impact surrounding properties, as determined by the Director.
  - b. The temporary use is not exempt from CEQA.
- C. Exempt Uses. The following uses are exempt from the requirements of this chapter:
1. Going out of business sales with no additional merchandise and normal promotional activities conducted within the approved display area for the business.
  2. Commercial filming regulated by other provisions of this Municipal Code.
  3. City, state, federal, school district, community college district or other public agencies' event when conducted wholly on that agency's public property or with the consent of another public property owner and which will not require public road closures or significantly impact traffic on adjacent public streets.
  4. Homeowners' association events conducted wholly in common areas within the boundaries of the association and which do not impact public streets or other public facilities.
  5. Temporary emergency facilities to accommodate emergency public health and safety needs and activities.
  6. Yards and sheds for the storage of materials and equipment used as part of a construction project, provided a valid building permit has been issued and the materials and equipment are stored on the same site as the construction activity.
  7. Mobile food truck operations at construction sites that are actively under construction pursuant to a valid building permit or grading permit where the mobile food truck does not vend to the general public during the stop.
- D. Other Temporary Uses. For temporary uses that are not identified in this Title, the Community Development Director, at his or her discretion, may determine whether the use should be classified as a minor temporary use or a major temporary use. This determination shall be based upon the similarities and differences with temporary uses and related standards of this Chapter and consideration of the proposed temporary use's compatibility with the applicable zone and surrounding land uses. Those temporary uses which do not fit within the criteria for minor temporary or major temporary uses shall be addressed through a Plot Plan, Conditional Use Permit or other type of permit or approval identified in this Title, as determined by the Director.

### **9.105.030 Application and Required Fees**

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- A. Application Filing and Processing. Applications for a Minor Temporary Use Permit or a Major Temporary Use Permit shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).
- C. Timing of Application. An application for a Minor Temporary Use Permit or a Major Temporary Use Permit should be submitted at least 60 days in advance of the first date of the proposed use. The applicant is responsible for submitting an application in a manner which allows sufficient time for processing, including noticing (if necessary) and appeal time.



### **9.105.040 Approving Authority**

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Applications for a Minor Temporary Use Permit or a Major Temporary Use Permit shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, conditionally approve, or deny applications for a Minor Temporary Use Permit or a Major Temporary Use Permit.

### **9.105.050 Public Hearing and Notice**

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No public hearing is required prior to action on an application for a Minor Temporary Use Permit or a Major Temporary Use Permit.

### **9.105.060 Conditions of Approval**

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In approving an application for a Minor Temporary Use Permit or an application for a Major Temporary Use Permit, the approving authority may impose conditions of approval to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include, but shall not be limited to:

- A. Requirements for special setbacks, buffers, or temporary fences, walls and/or screening.
- B. Regulation of vehicular ingress, egress, and traffic circulation.
- C. Regulation of hours of operation or other characteristics of operation.
- D. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, din, odors, vapors and heat.
- E. Regulation of temporary structures and facilities.
- F. Provision for restroom and related sanitary facilities as well as medical facilities and emergency medical services.
- G. Provision for solid, hazardous and toxic waste collection and disposal.
- H. Requirements for security.
- I. Requirements for special parking or traffic control measures.
- J. Other conditions as may be deemed necessary to make the findings required by this chapter.

### **9.105.070 Findings for Approval**

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Prior to approving an application for a Minor Temporary Use Permit or an application for a Major Temporary Use Permit, the approving authority shall make all the following findings:

- A. The proposed temporary use is compatible with the zone, nature, character and use of the surrounding area.
- B. The temporary use will not adversely affect the adjacent uses or structures.
- C. The temporary use is consistent with the applicable development and operational standards and other provisions of this Title.
- D. The nature of the temporary use is not detrimental to the public health, safety or welfare of the community.

### **9.105.080 Notice of Decision**

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Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The notice shall include:



- A. The application request as acted upon by the Director.
- B. The action taken by the Director.
- C. Findings as listed for the permit.
- D. The deadlines, criteria and fees for filing an appeal.

### **9.105.090 Effective Date**

---

Minor Temporary Use Permits and Major Temporary Use Permits shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

### **9.105.100 Appeals**

---

Minor Temporary Use Permits and Major Temporary Use Permits are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

### **9.105.110 Expiration**

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An approved Minor Temporary Use Permit or an approved Major Temporary Use Permit shall expire one year from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.105.120 Extension of Time**

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No extensions of time are permitted for an approved Minor Temporary Use Permit or an approved Major Temporary Use Permit.

### **9.105.130 Modifications**

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Modifications to an approved Minor Temporary Use Permit or an approved Major Temporary Use Permit shall be processed as a new application.

### **9.105.140 Transferability**

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Minor Temporary Use Permits and Major Temporary Use Permits are not transferrable to another property or business operator without approval of a new application and approval of a new business license.

### **9.105.150 Standards of Approval – General**

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The following standards shall apply to all temporary activities and uses, where applicable:

- A. The applicable permit(s) shall be posted on the premises where the event is conducted, and/or a copy of the permit must be in the possession of the person responsible for the event at all times while it is occurring.
- B. Any temporary facilities or structures used will be removed from the site within a reasonable time following the event and the property will be restored to no worse than its former condition. Submission of a performance bond or other surety devices may be required at this discretion of the City.
- C. The permittee will reimburse the City for the actual cost of repair or replacement (including labor and overhead) if city property is damaged or destroyed as a result of the temporary use. The City may require a deposit therefor if the damage reasonably may be anticipated, as determined by the City.



- D. Deposit for traffic control and/or clean up fees are required unless already provided with an encroachment permit.
- E. The permittee and/or property owner shall provide enter into an indemnification and hold harmless agreement for use of City property.

### **9.105.160 Standards of Approval – Standards by Activity/Use**

The following standards shall apply to the specified temporary activity or use:

- A. Weekend promotional events consisting of outdoor display and sales of merchandise within commercial land use districts, including sidewalk sales, that exceed existing land use restrictions shall comply with the following provisions:
  - 1. Merchandise displayed or sold must be customarily sold on the premises by a permanently established business.
  - 2. The maximum number of consecutive days for any one event shall not exceed nine calendar days.
  - 3. Setup and takedown of canopies, lighting, fencing, merchandise and/or items for the event shall not be counted toward the allowable event days per event, except that setup shall not exceed 36 hours and takedown shall not exceed 36 hours unless otherwise authorized by the Community Development Director.
- B. Outdoor temporary swap meets or auctions shall be limited to no more often than twice per calendar year on the same property and shall not exceed three consecutive days per event.
- C. Christmas tree sales lot signage shall not exceed the standards of the zone in which the sales lot is located.
- D. Vendor stands (non-mobile) shall be limited to the seasonal sale of agricultural products, and shall not be located in the public right-of-way, and signage shall not exceed the standards of the zone in which the stand is located.
- E. Farmers markets shall be limited to one day per week in the same location for a total period of time not exceeding one calendar year.
- F. Mobile food trucks shall comply with the following provisions:
  - 1. General Standards.
    - a. Maintain a valid business tax certificate from the City of Menifee to operate within the City.
    - b. Maintain a valid County Health permit and operate in conformance with all applicable health standards.
    - c. Post, in public view and without obstruction, on both the front right windshield and the back left bumper of the mobile food truck, the following items:
      - i. The County of Riverside Department of Environmental Health permit certification stickers.
      - ii. A notice with at least 3-inch font providing “To report a violation, call the City of Menifee Code Enforcement at 760-XXX-XXXX”.
    - d. Sell only food and beverage items regulated under the California Retail Food Code (California Health and Safety Code Division 104, Part 7, Section 113700 et. seq., as it currently exists or as may be amended).
    - e. No verbal solicitation of business from pedestrians or persons in vehicles, and no sale to persons in vehicles.
    - f. No amplified sound or loudspeakers are allowed. The vendor and operation shall comply with the noise limits in Section 9.210.060 (Noise Control Regulations).



- g. No lighting, except localized lighting that is used on or in the mobile food trucks for the purpose of inside food preparation and menu illumination are allowed.
  - h. No signs other than those exhibited on or in the mobile food truck are allowed.
  - i. No selling or serving alcohol.
  - j. Provide one trash receptacle and one recycling receptacle for use by patrons in a convenient location that does not impede pedestrian or vehicular traffic.
  - k. Collect and remove all litter or debris generated within a minimum 25-foot radius of the food truck.
  - l. Contain all associated equipment and operations within the mobile food truck, except for the trash and recycling receptacles required herein.
  - m. No furniture, umbrellas, generators, objects or structures outside of the vehicle are allowed.
  - n. No obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to access to or from any business, public building, or dwelling unit is allowed.
  - o. No restriction of visibility area Sight distance at any driveway or intersection.
  - p. Mobile food trucks shall not encroach onto a public sidewalk with any part of the vehicle or any other equipment or furniture related to the operation of the business, except for required trash and recycling receptacles or any attached sign or awning. The operator shall provide an 8-foot vertical clearance for pedestrian access under any sign or awning.
  - q. Mobile food truck operators shall control smoke and odors caused by food preparation to avoid a public nuisance.
2. Mobile food trucks prohibited in the Public Right-of-Way. Mobile food truck operators are prohibited from operating in the public right-of-way, except as allowed with a temporary use permit pursuant to this chapter.
3. Mobile Food Trucks on Private Property. Property owners and permit holders shall comply with all of the following:
- a. Ensure that a mobile food truck operator operates only at the location designated on the permit.
  - b. Ensure that a mobile food truck operator displays a copy of the approved mobile food truck permit in a prominent and visible place within each mobile food truck, together with a letter of permission from the property owner consenting to mobile food truck operations on the site in accordance with the approved permit.
  - c. Mobile food trucks shall operate as follows:
    - i. Within a paved, level parking area, unless otherwise approved surface by the City Engineer, where it can be demonstrated that any off-street parking spaces located in that area are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that is operating at the same time as the mobile food truck.
    - ii. Operations shall not impede pedestrian or vehicular ingress or egress through the remainder of the parking area or adjacent public right-of-way.

## **Chapter 9.110 Variance**

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### **Contents:**

9.110.010 Purpose

9.110.020 Applicability

9.110.030 Application and Required Fees





- 9.110.040 Approving Authority
- 9.110.050 Public Hearing and Notice
- 9.110.060 Conditions of Approval
- 9.110.070 Findings for Approval
- 9.110.080 Notice of Decision
- 9.110.090 Effective Date
- 9.110.100 Appeals
- 9.110.110 Expiration
- 9.110.120 Extension of Time
- 9.110.130 Modifications

### **9.110.010 Purpose**

---

The purpose of this chapter is to establish a variance procedure to waive or modify the zoning standards under certain special circumstances if specific findings can be made. It is recognized that under certain circumstances, the strict or literal interpretation and enforcement of the provisions of the zone regulations may deprive a property of development potential enjoyed by other properties in the vicinity under the identical zone.

### **9.110.020 Applicability**

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An application for a Variance is required for any request to modify the requirements of this Title greater than those adjustments allowed through other permit or approval procedures. Variances do not apply to land use or density and shall not waive or modify a specific procedural requirement. In no case shall cost to the applicant be the primary reason for granting a variance. The provisions of this chapter shall not apply to public safety regulations based on authority mandated by state law or other ordinances.

### **9.110.030 Application and Required Fees**

---

- A. Application Filing and Processing. Applications for a Variance shall be filed and processed in accordance with the applicable procedures contained in Chapter 9.30 (Common Application Processing Procedures).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

### **9.110.040 Approving Authority**

---

Applications for a Variance shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:

- A. Recommending Authority. The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Variance.
- B. Approving Authority. The designated approving authority is authorized to approve, conditionally approve, or deny an application for a Variance.

### **9.110.050 Public Hearing and Notice**

---

The Planning Commission shall hold a public hearing prior to taking action on an application for a Variance. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

### **9.110.060 Conditions of Approval**

---

In approving an application for a Variance, the approving authority may impose reasonable and appropriate conditions in order to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. Conditions may include, but shall not be limited to:

- A. Requirements for special building setbacks, open spaces, buffers, fences, walls and screening.
- B. Requirements for installation and maintenance of landscaping and erosion control measures.
- C. Requirements for street and other infrastructure improvements and related dedications.
- D. Regulation of vehicular ingress, egress, and traffic circulation.
- E. Regulation of hours of operation or other characteristics of operation.
- F. Requirements for increased security.
- G. Requirements for periodic review.
- H. Requirements for special building design and features to enhance the visual impact and integrate the use into the community.
- I. Other conditions as may be deemed necessary to make the findings required by this Chapter.

### **9.110.070 Findings for Approval**

---

Prior to approving an application for a Variance, the approving authority shall make all the following findings:

- A. Because of special circumstances applicable to the property (size, shape, topography, location or surroundings) or the intended use of the property, the strict application of the standards of this Title deprives the property of privileges enjoyed by other properties in the vicinity in the same zone.
- B. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity in the same zone.
- C. Granting of the variance will not be materially detrimental to the public health, safety and/or welfare, or injurious to property or improvements.
- D. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.
- E. Granting of the variance does not allow a use or activity which is prohibited by the zone in which the property is located.
- F. Granting of the variance will not be inconsistent with the goals and policies of the adopted General Plan or applicable specific plan.

### **9.110.080 Notice of Decision**

---

Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).

### **9.110.090 Effective Date**

---

Variances shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

### **9.110.100 Appeals**

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Actions taken on applications for a Variance are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals).

### **9.110.110 Expiration**

---

Variations shall expire one year from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.110.120 Extension of Time**

---

Variations may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### **9.110.130 Modifications**

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Modifications to an approved Variance shall be processed as a new application.

## **Chapter 9.115 Zone Change/Zoning Code Amendment**

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Contents:

- 9.115.010 Purpose
- 9.115.020 Applicability
- 9.115.030 Application and Required Fees
- 9.115.040 Approving Authority
- 9.115.050 Public Hearing and Notice
- 9.115.060 Alterations
- 9.115.070 Findings for Approval
- 9.115.080 Notice of Decision
- 9.115.090 Effective Date
- 9.115.100 Appeals
- 9.115.110 Expiration
- 9.115.120 Extension of Time
- 9.115.130 Modifications
- 9.115.140 Rezoning

### **9.115.010 Purpose**

---

This chapter establishes procedures for the review of changes to the Zoning Map and this Title, including amendments to or deletions from the text and/or exhibits of this Title.

### **9.115.020 Applicability**

---

A Zone Change or Zoning Code Amendment is required for any amendment to a provision of this Title, including the adoption of new regulations or deletion of existing regulations, or any rezone or change of the zone on the Zoning Map for any parcel(s).

### **9.115.030 Application and Required Fees**

---



- A. **Application Filing and Processing.** Applications for a Zone Change or Zoning Code Amendment shall be filed and processed in accordance with Chapter 9.30 (Common Application Processing Procedures).
- B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).

#### **9.115.040 Approving Authority**

---

Applications for a Zone Change or Zoning Code Amendment shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals) as follows:

- A. **Recommending Authority.** The designated recommending authority shall review and make recommendations, as appropriate, to the designated approving authority for an application for a Zone Change or a Zoning Code Amendment.
- B. **Approving Authority.** The designated approving authority is authorized to approve, conditionally approve, alter, or deny an application for a Zone Change or a Zoning Code Amendment.

#### **9.115.050 Public Hearing and Notice**

---

The Planning Commission shall hold a public hearing to make a recommendation on an application for a Zone Change or Zoning Code Amendment. The Planning Commission's recommendation shall be forwarded to the City Council, in accordance with Subsection 2.20.140.C of the Menifee Municipal Code. The City Council shall hold a public hearing prior to taking action on an application for a Zone Change or Zoning Code Amendment. Public hearings shall be set and notice given in accordance with Section 9.30.080 (Public Hearing and Notice).

#### **9.115.060 Alterations**

---

In approving an application for a Zone Change or Zoning Code Amendment, the City Council may make alterations to the proposal to ensure that the approval will comply with the required findings. Any substantial alteration made to the proposed Zone Change or Zoning Code Amendment that was not previously considered by the Planning Commission must be referred back to the Planning Commission for its recommendation in accordance with Section 9.30.090.F (Approving Authority).

#### **9.115.070 Findings for Approval**

---

Prior to approving an application for a Zone Change or Zoning Code Amendment, the approving authority shall make all the following findings, which shall be made by ordinance:

- A. The proposed zone or amendments to this Title is consistent with the intent of the goals and policies of the General Plan.
- B. The proposed zone or amendments to this Title prescribes reasonable controls and standards to ensure compatibility with other established uses.
- C. The proposed zone or amendments to this Title provides reasonable property development rights while protecting environmentally sensitive land uses and species.
- D. The proposed zone or amendments to this Title ensures protection of the general health, safety and welfare of the community.

#### **9.115.080 Notice of Decision**

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Written notice of decision shall be provided in accordance with Subsection 9.30.080.G (Notice of Decision).



### **9.115.090 Effective Date**

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Zone Changes and Zoning Code Amendments shall become effective on the 31<sup>st</sup> day following the date of approval.

### **9.115.100 Appeals**

---

Actions taken by the City Council on an application for Zone Change or Zoning Code Amendment are final and are not subject to appeal.

### **9.115.110 Expiration**

---

Approved Zone Changes and approved Zoning Code Amendments do not expire.

### **9.115.120 Extension of Time**

---

No extensions of time are necessary as an approved Zone Change or an approved Zoning Code Amendment do not expire.

### **9.115.130 Modifications**

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Any modifications affecting an approved Zone Change or an approved Zoning Code Amendment shall be handled as a new application.

### **9.115.140 Prezoning**

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- A. Purpose. The purpose of prezoning is to establish the zone for unincorporated property within the sphere of influence, prior to annexation.
- B. Review Process. The method of accomplishing prezoning shall be the same as for a Zone Change.
- C. Effective Date. Such prezoning shall become effective at the time annexation becomes effective.

## **ARTICLE 3: ZONES**

Contents:

- Chapter 9.120 Establishment of Zones
- Chapter 9.125 Agricultural and Rural Residential Zones
- Chapter 9.130 Residential Zones
- Chapter 9.135 Commercial and Industrial Zones
- Chapter 9.140 Economic Development Corridor Zones
- Chapter 9.145 Open Space/Conservation Zones
- Chapter 9.150 Public/Quasi-Public Facilities
- Chapter 9.155 Special Planning Areas

### **Chapter 9.120 Establishment of Zones**

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Contents:

- 9.120.010 Purpose
- 9.120.020 Zones Established
- 9.120.030 Zoning Map Established





9.120.040 Consistency with the General Plan

**9.120.010 Purpose**

This chapter establishes the zones applied to property within the City, the relationship of the Zoning Map to the General Plan and establishes the Zoning Map.

**9.120.020 Zones Established**

The following zones listed in Table 9.120.020-1 are established to carry out the purpose of this Title and to implement the goals and policies of the General Plan.

Table 9.120.020-1 Menifee Zones		
Zone Name	Zone Abbreviation	Title Chapter
Agriculture	AG	9.125
Rural Mountainous	RM	9.125
Rural Residential, 5-acre minimum	RR5	9.125
Rural Residential, 2-acre minimum	RR2	9.125
Rural Residential, 1-acre minimum	RR1	9.125
Rural Residential, ½-acre minimum	RR½	9.125
Low Density Residential-1	LDR-1	9.130
Low Density Residential-2	LDR-2	9.130
Low Medium Density Residential	LMDR	9.130
Medium Density Residential	MDR	9.130
Medium High Density Residential	MHDR	9.130
High Density Residential	HDR	9.130
Commercial Retail	CR	9.135
Commercial Office	CO	9.135
Business Park/Light Industrial	BP	9.135
Heavy Industrial/Manufacturing	HI	9.135
Economic Development Corridor -Northern Gateway	EDC-NG	9.140
Economic Development Corridor-McCall Boulevard	EDC-MB	9.140
Economic Development Corridor-Community Core	EDC-CC	9.140
Economic Development Corridor-Newport Road	EDC-NR	9.140
Economic Development Corridor-Southern Gateway	EDC-SG	9.140
Open Space-Conservation	OS-C	9.145
Open Space-Recreation	OS-R	9.145
Open Space-Water	OS-W	9.145
Public/Quasi-Public Facilities	PF	9.150
Public Utility Corridor	PUC	9.150
Rail	RX	9.150
Specific Plan	SP	9.155

### **9.120.030 Zoning Map Established**

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The City Council hereby adopts the City of Menifee Zoning Map (hereafter referred to as the “Zoning Map”), which is on file with the Department. The Zoning Map is hereby incorporated into this Title by reference as though it were fully included here. The Zoning Map shall be interpreted in compliance with Section 9.10.030 (Rules of Interpretation) and amended in compliance with Chapter 9.115 (Zone Change/Zoning Code Amendment).

### **9.120.040 Consistency with the General Plan**

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The Zoning Map shall implement and be consistent with the City’s adopted General Plan.

## **Chapter 9.125 Agricultural and Rural Residential Zones**

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Contents:

- 9.125.010 Purpose
- 9.125.020 Description and Intent of Zone
- 9.125.030 Allowed Uses and Approval Requirements
- 9.125.040 Development Standards

### **9.125.010 Purpose**

---

The purpose of this chapter is to establish agricultural and rural zones that provide appropriate locations for agricultural, rural mountainous, rural residential uses. These zones are consistent with and implement the adopted General Plan.

### **9.125.020 Description and Intent of Zone**

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The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. Agricultural (AG). Agricultural land including row crops, groves, nurseries, dairies, poultry farms, and other related uses. One single-family detached residence allowed per 10 acres except as otherwise specified by a policy or zoning.
- B. Rural Mountainous (RM). Single-family detached residences with a minimum lot size of 10 acres. Generally characterized as areas of at least 10 acres where there are extensive areas of steep slopes of 25% or greater. Allows limited animal keeping, agriculture, recreational uses, governmental uses.
- C. Rural Residential, 5-acre minimum (RR5). Single-family detached residences with a minimum lot size of 5 acres. Animal keeping, and agricultural uses are expected and encouraged; also allows recreational uses and governmental uses.
- D. Rural Residential, 2-acre minimum (RR2). Single-family detached residences on parcels of 2 to 5 acres. Limited agriculture and equestrian and animal keeping uses are expected and encouraged.
- E. Rural Residential, 1-acre minimum (RR1). Single-family detached residences on parcels of 1 to 2 acres. Limited agriculture, equestrian, and animal keeping uses are expected and encouraged.
- F. Rural Residential, ½-acre minimum (RR1/2). Single-family detached residences on parcels of ½ to 1 acre. Limited agriculture and animal keeping is permitted. Intensive animal keeping is discouraged.

### **9.125.030 Allowed Uses and Approval Requirements**

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- A. Allowed Use Table. Table 9.125.030-1 identifies allowed uses and corresponding approval requirements for the agricultural and rural zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in Article 6 of this title (Definitions). The list of land uses on Table 9.125.030-1 shall be permitted in one or more of the agricultural or rural residential as indicated in the columns corresponding to each zone.
- B. Approval Requirements. Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “--,” the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.125.030-1 authorize a use without satisfaction of such specified additional requirements
- C. Unlisted Uses. Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to Chapter 9.95 (Similar Use Determination that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements							
Allowed Use	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
<b>RESIDENTIAL USES</b>							
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	Chapter 9.35 (Accessory Dwelling Unit Permit)
Bed & breakfast establishment	C	C	C	C	C	C	Chapter 9.245 (Bed & Breakfast Uses)
Congregate care facilities	—	—	—	—	C	C	Chapter 9.270 (Care Facilities)
Duplex (two-family dwelling)	—	—	—	—	—	—	
Emergency shelters	—	—	—	—	—	—	
Family day care home, large	P	P	P	P	P	P	Chapter 9.60 (Large Family Day Care Permit)
Family day care home, small	P	P	P	P	P	P	
Group Residential Facility 6 or fewer residents	P	P	P	P	P	P	9.270 (Community Care Facilities)
7 or more residents	--	--	--	--	--	C	
Guest house	P	P	P	P	P	P	Chapter 9.295 (Special Housing Types)
Home Occupation	P	P	P	P	P	P	Chapter 9.255 (Home Occupation and Home-Based

Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements							
Allowed Use	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
							Business)
Home-Based Businesses	P	P	P	P	P	P	Chapter 9.255 (Home Occupation and Home-Based Business)
Manufactured Home	P	P	P	P	P	P	
Mobile home park	—	—	—	—	--	C	Chapter 9.295 (Special Housing Types)
Multiple family	—	—	—	—	—	—	
Residential Care Facility	--	--	--	--	C	C	9.270 (Community Care Facilities)
Short-term rentals (less than 30 days)	—	—	—	—	—	—	
Single- family detached	P	P	P	P	P	P	
Single-room occupancy units/Efficiency Units	—	—	—	—	—	—	Chapter 9.295 (Special Housing Types)
Supportive housing	C	C	C	C	C	C	
Transitional housing	C	C	C	C	C	C	
<b>NON-RESIDENTIAL USES</b>							
Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)	P C	P C	P C	P C	P C	P C	Chapter 9.235 (Animal Keeping)
Non-Commercial Commercial							
Animals, Medium (e.g. sheep, goats, pigs, and similar sized animals)	P C	P C	P C	P C	P -	P -	Chapter 9.235 (Animal Keeping)
Non-commercial Commercial							
Animals, Large (e.g. cows, horses, camels, llamas, and other similar sized animals)	P P	P --	P P	P P	P --	P --	Chapter 9.235 (Animal Keeping)
Non-commercial Commercial							
Animal rescue	C	C	C	C	C	--	Chapter 9.235

Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements

Allowed Use	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
							(Animal Keeping)
Apiary (non-commercial)	P	P	P	P	P	P	Chapter 9.235 (Animal Keeping)
Aquaculture (commercial raising of fish, frogs, shellfish, algae, etc.)	C	C	C	--	--	--	Chapter 9.235 (Animal Keeping)
Aviary (non-commercial)	P	P	P	P	P	P	Chapter 9.235 (Animal Keeping)
Fewer than 50 birds. Greater than 50 birds	C	C	C	C	C	C	
Cemetery or Mausoleum	C	C	C	C	--	--	
Fowl, non-crowing (Non-commercial)	P	P	P	P	P	P	Chapter 9.235 (Animal Keeping)
Fowl, crowing (non-commercial)	P	P	P	P	P	--	Chapter 9.235 (Animal Keeping)
Stable, riding academy, large animal boarding	P	—	C	C	C	C	Chapter 9.235 (Animal Keeping)
Educational Institution	C	C	C	C	C	C	
Farms and agricultural operations	P	C	P	P	P	C	
Golf Courses	C	C	C	C	C	C	
Governmental facilities	C	C	C	C	C	C	
Kennels and catteries	C	—	C	C	C	C	Chapter 9.235 (Animal Keeping)
Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing	—	—	—	—	—	—	
Nurseries (wholesale and open to the public)	P	--	C	C	C	--	
Parks and recreation areas	P	P	P	P	P	P	
Petting Zoo	P	C	C	C	C	C	Chapter 9.235 (Animal Keeping)
Public utility facilities	C	C	C	C	C	C	
Religious Facilities	C	C	C	C	C	C	
Shooting Ranges	--	--	--	--	--	--	
Vineyards and wineries	C	C	C	C	C	C	
Wireless Communication Facilities	C	C	C	C	C	C	Chapter 9.290 (Wireless Communication Facilities)





## 9.125.040 Development Standards

The development standards listed below are the minimum standards for development within the respective zones.

Table 9.125.040-2 Agricultural and Rural Residential Zones - Development Standards							
Standard	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
<b>LOT DIMENSIONS (Minimum)</b>							
Gross Lot Area (Acres)	10	10	5	2	1	0.5	
Lot Width (Feet)	100	100	100	80	70	60	
Lot Depth (Feet)	150	150	120	100	100	90	
Frontage (Feet)	50	50	50	40	40	30	
Frontage for a flag lot (Feet)	40	40	30	30	30	25	
<b>SETBACKS (Minimum)<sup>1</sup></b>							
Front Yard (Feet)	40	40	40	25	25	20 <sup>2</sup>	
Corner Side Yard (Feet)	40	40	20	15	15	15	
Interior Side Yard (Feet)	25	25	15	15	10	10	
Rear Yard (Feet)	25	25	20	20	20	20	
<b>BUILDING HEIGHT (Maximum)</b>							
Building Height (Feet)	35	35	35	35	35	35	Chapter 9.160 (General Development Standards)
<b>BUILDING COVERAGE (Maximum)</b>							
Building Coverage (Percent)	10%	10%	15%	20%	25%	25%	
<b>OPEN SPACE COVERAGE (Minimum)</b>							
Open Space Required (Percent)	75%	75%	70%	60%	50%	40%	
Private Open Space/Unit (Sq. Ft)	N/A	N/A	N/A	N/A	N/A	N/A	
<ol style="list-style-type: none"> <li>Setback encroachment allowances for architectural features and accessory structures can be found in 9.160.030</li> <li>Side-loaded garages may have a front yard setback of 15 feet.</li> </ol>							

## Chapter 9.130 Residential Zones

Contents:

9.130.010 Purpose

9.130.020 Description and Intent of Zone



## 9.130.030 Allowed Uses and Approval Requirements

### 9.130.040 Development Standards

#### **9.130.010 Purpose**

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The purpose of this chapter is to establish residential districts in the city that provide appropriate locations for low density residential, low medium density residential, medium density residential, medium high density residential, and high density residential. These zones are consistent with and implement the city's General Plan land use categories.

#### **9.130.020 Description and Intent of Zone**

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The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. Low Density Residential (LDR-1). Single-family detached residences with a density range of 2 to 4 dwelling units per acre. Limited agriculture and animal keeping is permitted.
- B. Low Density Residential (LDR-2). Single-family detached and attached residences with a density range of 4.1 to 5 dwelling units per acre. Limited agriculture and animal keeping is permitted.
- C. Low Medium Density Residential (LMDR). Single-family attached and detached residences with a density range of 5 to 8 dwelling units per acre.
- D. Medium Density Residential (MDR). Single-family attached and detached residences, including townhouses, stacked flats, courtyard homes, patio homes, and zero lot line homes with a density range of 8 to 14 dwelling units per acre.
- E. Medium High Density Residential (MHDR). Single-family attached residences and multifamily dwellings such as triplexes, fourplexes, motorcourt clusters, and row townhomes with a density range of 14 to 20 dwelling units per acre.
- F. High Density Residential (HDR). Multifamily dwellings; includes apartments and condominiums with a density range of 20 to 24 dwelling units per acre.

#### **9.130.030 Allowed Uses and Approval Requirements**

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- A. Allowed Use Table. Table 9.130.030-1 identifies allowed uses and corresponding approval requirements for the residential zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in Article 6 of this title (Definitions). The list of land uses on Table 9.130.030-1 shall be permitted in one or more of the residential zones as indicated in the columns corresponding to each zone.
- B. Approval Requirements. Where indicated with a letter "P" the use shall be a permitted use. A letter "C" indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a "--," the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.130.030-1 authorize a use without satisfaction of such specified additional requirements.
- C. Unlisted Uses. Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to Chapter 9.95 (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific



listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.130.030-1 Residential Zones - Allowed Uses and Approval Requirements							
Allowed Use	LDR -1	LDR -2	LMDR	MDR	MHDR	HDR	Additional Requirements
<b>RESIDENTIAL USES</b>							
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	Chapter 9.35 (Accessory Dwelling Unit Permit)
Bed & breakfast establishment	C	C	C	C	C	C	Chapter 9.245 (Bed and Breakfast)
Congregate care facilities	C	C	C	C	C	C	Chapter 9.270 (Community Care Facilities)
Duplex (two-family dwelling)	P	P	P	P	P	P	
Emergency shelters	--	--	--	--	--	P	In locations specified in the Housing Element
Family day care home, large	P	P	P	P	P	P	Chapter 9.60 (Large Family Day Care Permit)
Family day care home, small	P	P	P	P	P	P	
Group Residential Facility Six or Fewer Residents Seven or More Residents	P C	P C	P C	P C	P C	P C	Chapter 9.270 (Community Care Facilities)
Guest house, accessory to single-family detached	P	P	P	P	P	P	Chapter 9.295 (Special Housing Types)
Home Occupation	P	P	P	P	P	P	Chapter 9.255 (Home Occupation and Home-Based Business)
Home-Based Businesses			--	--	--	--	Chapter 9.255 (Home Occupation and Home-Based Business)
Manufactured Home	P	P	P	P	P	P	
Mobile home park	C	C	C	C	C	C	Chapter 9.295 (Special Housing Types)
Multiple family	--	P	P	P	P	P	
Residential Care Facility	C	C	C	C	C	C	Chapter 9.270 (Community Care Facilities)
Short-term rental	—	—	—	—	—	—	
Single-family detached	P	P	P	P	—	—	
Single-room occupancy units	--	--	--	--	--	P	Chapter 9.295 (Special Housing Types)
Supportive housing	C	C	C	C	C	C	
Transitional housing	C	C	C	C	C	C	

Table 9.139.030-1 Residential Zones - Allowed Uses and Approval Requirements

Allowed Use	LDR -1	LDR -2	LMDR	MDR	MHDR	HDR	Additional Requirements
<b>NON-RESIDENTIAL USES</b>							
Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals) Non-Commercial Commercial	P --	P --	P --	P --	P --	P --	Chapter 9.235 (Animal Keeping)
Animals, Medium (e.g. sheep, goats, pigs, and similar sized animals) Non-commercial Commercial	P --	P --	-- --	-- --	-- --	-- --	Chapter 9.235 (Animal Keeping)
Animals, Large (e.g. cows, horses, camels, llamas, and other similar sized animals) Non-commercial Commercial	P --	P --	-- --	-- --	-- --	-- --	Chapter 9.235 (Animal Keeping)
Apiary (non-commercial)	P	P	--	--	--	--	Chapter 9.235 (Animal Keeping)
Educational Institutions	C	C	C	C	C	C	
Farms and agricultural operations	C	C	--	--	--	--	
Non-crowing Fowl	P	P	--	--	--	--	Chapter 9.235 (Animal Keeping)
Golf courses	--	--	--	--	--	--	
Governmental facilities	C	C	C	C	C	C	
Kennels and catteries	C	C	--	--	--	--	Chapter 9.235 (Animal Keeping)
Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, or marijuana processing	--	--	--	--	--	--	
Nurseries	C	C	--	--	--	--	
Parks and recreation areas	P	P	P	P	P	P	
Public utility facilities	C	C	C	C	C	C	
Religious Institutions	C	C	C	C	C	C	
Temporary real estate tract offices	P	P	P	P	P	P	



Table 9.130.030-1 Residential Zones - Allowed Uses and Approval Requirements

Allowed Use	LDR-1	LDR-2	LMDR	MDR	MHDR	HDR	Additional Requirements
Wireless Communication Facilities	C	C	C	C	C	C	Chapter 9.290 (Wireless Communication Facilities)

### 9.130.040 Development Standards

The development standards listed below are the minimum standards for development within the respective zones.

Table 9.130.040-1 Residential Zones Development Standards

Standard	LDR-1	LDR-2	LMDR	MDR	MHDR	HDR	Additional Requirements
<b>LOT DIMENSIONS (Minimum)</b>							
Net Lot Area (Sq. Ft.)	10,000	7,200	6,000	5,000	3,000	3,000	
Lot Width (Feet)	60	40	40	30	30	30	
Lot Depth (Feet)	100	90	80	80	100	100	
Frontage (Feet)	40	40	40	30	30	30	
Frontage for a flag lot (Feet)	20	20	20	20	20	20	
Frontage for a cul-de-sac or knuckle (Feet)	35	35	35	35	35	35	
<b>SETBACKS (Minimum)<sup>1</sup></b>							
Front Yard (Feet) <sup>2</sup>	15	15	15	15	15	15	
Corner Side Yard (Feet)	15	15	15	15	15	15	
Interior Side Yard (Feet)	5 min., 15 combined	5 min., 15 combined	5 min., 15 combined	5 min., 15 combined	5 min., 15 combined	5 min., 15 combined	
Rear Yard (Feet)	10	10	20	20	20	20	
<b>BUILDING HEIGHT (Maximum)</b>							
Building Height (Feet)	40	40	40	40	50	50	



Table 9.130.040-1 Residential Zones Development Standards

Standard	LDR-1	LDR-2	LMDR	MDR	MHDR	HDR	Additional Requirements
<b>BUILDING COVERAGE (Maximum)</b>							
Building Coverage (Percent)	50%	50%	50%	50%	60%	60%	
<b>OPEN SPACE COVERAGE (Minimum)</b>							
Open Space Required (Percent)	35%	35%	30%	30%	25%	20%	
Private Open Space/Unit (Sq. Ft)	N/A	N/A	N/A	100	100	100	
<ol style="list-style-type: none"> <li>1. Setback encroachment allowances for architectural features and accessory structures can be found in 9.160.030.</li> <li>2. Garages with entrances facing the street shall be set back no less than 20 feet.</li> </ol>							

## Chapter 9.135 Commercial and Industrial Zones

### Contents:

- 9.135.010 Purpose
- 9.135.020 Description and Intent of Zone
- 9.135.030 Allowed Uses and Approval Requirements
- 9.135.040 Development Standards

### 9.135.010 Purpose

The purpose of this chapter is to establish business districts in the city that provide appropriate locations for commercial, office, and industrial uses. These districts are consistent with and implement the city’s General Plan land use categories. These districts provide sufficient and appropriately located land for general commercial and industrial uses that minimize impacts on residential neighborhoods.

### 9.135.020 Description and Intent of Zone

The following descriptions of each commercial and industrial zoning district identify the general characteristic uses, intensity of uses, and type of development intended for that district:

- A. **Commercial Retail (CR).** Allows neighborhood, local, and regional serving retail and service uses. Hotels are also permitted in this designation. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.20 – 0.35.
- B. **Commercial Office (CO).** Allows a variety of office-related uses, including financial, legal, insurance and other office services; corporate offices; supporting hotel and ancillary retail uses are also permitted. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.25 – 1.00.



- C. **Business Park (BP).** Allows industrial and related uses including warehousing/distribution, assembly and light manufacturing, repair facilities, and business parks, including corporate offices. Employee-intensive uses, including research and development, technology centers, "clean" industry, and supporting hotel and ancillary retail uses are also permitted. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.25 – 0.60.
- D. **Heavy Industry (HI).** Allows more intense industrial activities, such as manufacturing uses, that can generate significant impacts such as excessive noise, dust, and other nuisances. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.15 – 0.50.

**9.135.030 Allowed Uses and Approval Requirements**

- A. **Allowed Use Table.** Table 9.135.030-1 identifies allowed uses and corresponding approval requirements for the commercial and industrial zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in Article 6 of this title (Definitions). The list of land uses on Table 9.135.030 shall be permitted in one or more of commercial and industrial zones as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter "P" the use shall be a permitted use. A letter "C" indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a "--," the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.135.030-1 authorize a use without satisfaction of such specified additional requirements
- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to Chapter 9.95 (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements					
Allowed Use	CR	CO	BP	HI	Additional Requirements
Adult businesses	--	--	--	--	See Ordinance XX
Airport	--	--	--	C	
Ambulance services	C	C	P	P	
Amusement arcade	P	--	C	--	
Amusement park, (including multiple activities such as simulated flying, racing, mini-golf, etc.)	P C		P C		
Indoor					
Outdoor					
Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)	P --	P --	P --	P --	Chapter 9.235 (Animal Keeping)

Table 9. (35.030-) Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
Non-Commercial Commercial					
Animal hospitals and veterinary services (with outdoor facilities)	P C	--	P C	C --	
Animal Rescue	--	--	C	C	Chapter 9.235 (Animal Keeping)
Antique shops, pawn shops, thrift stores	P	--	C	--	Outside donation bins prohibited
Art gallery, library, reading room, museum.	--	P	--	--	
Art supply shops and studios.	P	P	P	--	
Auction Houses	P	--	P	--	
Auditoriums, event centers and assembly areas, including live entertainment: Indoor Outdoor	P C	C --	P C	-- --	
Bakery goods distributors.	P	--	P	P	
Bakery shops, Coffeehouse, Cybercafé, Delicatessens, Ice cream shops	P	--	P	--	
Banks and financial institutions.	P	P	P	--	
Banquet facilities.	C	--	C	--	
Batting cages – indoor Outdoor	P C	--	C C	--	
Bed and breakfast inn	C	C	C	--	Chapter 9.245 (Bed and Breakfast Uses)
Billiard and pool halls, Bowling alleys	P	--	P	--	Chapter 9.250 (Alcohol Sales)
Breweries, distilleries, and wine making facilities with on-site tasting room and sales for off-site consumption	C	--	P	--	Chapter 9.250 (Alcohol Sales)
Business service centers	P	P	P	--	
Car washes	P	--	C		
Caretaker residence or on-site operator residence, only as accessory to primary use	C	C	C	C	Chapter 9.255 (Home Occupation and Home Based

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
					Businesses)
Catering services	P	--	P	--	
Cemeteries and mausoleums	--	--	C	C	
Clinics, including but not limited to medical, urgent care, eye care, dental and chiropractic	C	C	C	--	
Commercial television and radio broadcast structures	--	--	--	P	
Concrete batch plants and asphalt plants	--	--	--	C	
Congregate care facility	--	C	C	--	Chapter 9.270 (Community Care Facilities)
Contractor storage yard (no retail sales)	--	--	C	P	
Contractor storage yards (with retail sales)	--	--	--	C	
Convenience stores, not including the sale of motor vehicle fuel	P	--	P	--	
Dance Halls, night clubs, discos, cabarets, cocktail lounges, lodges and incidental dancing areas, and similar facilities where dancing is the principal use	P	--	P	--	Chapter 9.250 (Alcohol Sales)
Day Care Center	P	C	C	--	Chapter 9.270 (Community Care Facilities)
Department stores	P	--	P	--	
Drug Store	P	--	--	--	
Dry cleaning and laundromats (except uniform supply and industrial launderers);	P	C	C	--	
Educational Institution	C	C	C	C	
Emergency shelters	--	--	--	P	In locations specified in the Housing Element
Equipment sales and rental, Large (including large vehicles, trucks with beds over 18 feet in length, eighteen plus (18+) wheelers, and	--	--	--	C	

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
construction equipment)					
Equipment sales and rental, Small (including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding 20 cubic feet in capacity and other similar equipment)	P	--	C	--	
Fast food/quick service, with drive-through	C	C	C	--	
Fast food/quick service, without drive-through	P	P	P	--	
Feed and grain sales	C	--	--	P	
Fertilizer production and processing (organic or inorganic)	--	--	--	C	
Food Trucks	--	--	--	--	Chapter 9.105 (Temporary Use Permit)
Funeral parlor, mortuary with crematorium	--	C	C	--	
Funeral parlor, mortuary without crematorium	P	C	C	--	
Gas station with/without convenience store, with or without alcoholic beverage sales, and with or without car wash	C	--	C	C	
General retail	P	--	--	--	
General warehousing, distribution centers, and storage (except noxious, explosives, or dangerous materials)	--	--	P	P	
Golf Course	--	--	--	--	
Golf driving range (not in association with full scale course)	C	--	C	--	
Governmental facility	P	P	P	P	
Grocery Store	P	--	--	--	Chapter 9.250 (Alcohol Sales)
Hardware and Building Supplies without outdoor sales/storage	P	--	P	P	
with outdoor sales/storage	C	--	C	C	



Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
Health, fitness, dance, martial arts studio <5,000 sq. ft. >5,000 sq. ft.	P C	C C	P C	--	
Heliports	--	--	C	C	
Manufacturing, Handcraft	P	P	P	C	
Manufacturing, Light-Intensity	--	C	P	P	
Manufacturing, Medium-Intensity	--	C	C	P	
Manufacturing, Heavy-Intensity	--	--	--	P	
Hospital	C	C	--	--	
Hotels and resort hotels	P	C	C	--	
Kennel or cattery	--	--	C	C	Chapter 9.235 (Animal Keeping)
Laboratories, research and development	P	P	P	--	
Live/work units	C	C	C	--	
Lumber yard	--	--	--	C	
Material storage yard (wholesale sales)	--	--	C	P	
Membership clubs, organizations, and lounges	C	C	C	--	
Mobile home sales and storage, trailer sales and rental house trailers	C	--	C	C	
Motels	C	--	--	--	
Motocross Facilities, Bicycle (BMX) course	--	--	--	--	
Motor vehicle body, paint and upholstery shops	C	--	C	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle parts and supply stores	P	--	--	--	
Motor vehicle repair/services (e.g. tune-ups, emission tests, brakes, tires, batteries, electrical)	P	--	--	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repairs/services - major (e.g., engine and transmission repair/rebuild, etc.)	--	--	C	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle sales and rental (including outdoor display area and	C	--	C	--	Chapter 9.240 (Motor Vehicle and

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
repairs associated with sales)					Related Uses)
Motor vehicle wholesale, with no outdoor display	P	P	P	P	
Motor vehicle impound, wrecking and junk yards	--	--	--	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle, trailer or boat storage	--	--	--	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Multi-tenant retail shopping center	P	--	--	--	
Nurseries and garden supply, indoor and outdoor (retail sales only)	P	--	--	P	Does not include cultivation of marijuana/cannabis.
Offices, professional and medical	P	P	P	--	
Parking lots and parking structures	P	P	P	P	
Personal and Professional Services	P	--	P	--	
Public utility substations and storage buildings	--	--	--	P	
Radio and television broadcasting and recording studios	P	--	P	--	
Recreational vehicle, trailer and mobile home sales and rental.	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Recycling collection facilities	C	--	C	C	Chapter 9.280 (Recycling Facilities)
Recycling processing facilities	--	--	C	C	Chapter 9.280 (Recycling Facilities)
Religious institutions	P	P	P	P	
Restaurant	P	P	P	P	Chapter 9.250 (Alcohol sales)
Residential care facility	--	C	--	--	Chapter 9.270 (Community Care Facilities)
Restaurants with breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption	C	C	C	C	Chapter 9.250 (Alcohol sales)
Self-Storage, public storage	C	--	C	P	



Table 9.135 030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements

Allowed Use	CR	CO	BP	HI	Additional Requirements
facilities					
Shooting range; Indoor	--	--	C	--	
Shooting range; Outdoor	--	--	--	--	
Simulated shooting games, Indoor (laser tag, etc.)	C	--	C	--	
Simulated shooting games, Outdoor (paintball, etc.)	--	--	--	--	
Solid Waste Disposal	--	--	--	C	
Specialized Retail	P	--	P	--	
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, skate parks stadiums, and commercial swimming pools)	P	--	C	--	
Studios for professional work in or teaching of any form of fine arts	P	C	P	--	
Swap Meets (Indoor only)	C	--	--	C	All activities must be conducted indoors.
Tattoo Establishments	C	C	C	--	Chapter 9.265 (Tattoo Establishments)
Theater	C	--	C	--	
Tourist information centers	P	P	P	--	
Towing services (with tow truck parking - no auto storage)	--	--	--	P	
Transportation Stations (bus, railroad and taxi)	P	P	P	P	
Draying, Trucking and freighting and trucking operations	--	--	--	C	
Uniform supplier and industrial launderers	--	--	C	P	
Utility offices, uses, and structures	P	P	P	P	
Vehicle storage and impoundment within an enclosed building	--	--	P	P	
Vocational/trade school;	C	--	P	C	
Warehouse/club store, Standalone	C	--	C	--	

Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements					
Allowed Use	CR	CO	BP	HI	Additional Requirements
facility 50,000 sq. ft. or larger					
Wholesale businesses with samples on the premises but not including storage	P	--	P	--	
Wholesale stores and distributors	--	--	C	--	
Wireless communication Facilities	C	C	C	C	Chapter 9.290 (Wireless Communications Facilities)

### 9.135.040 Development Standards

The development standards listed below are the minimum standards for development within the respective zones. Separate development standards have been established for developments on a single lot and for those commercial shopping centers or industrial planned developments which multiple structures on one or more lots.

Table 9.135.040-1 Commercial and Industrial Zones - Development Standards for Developments within Planned Shopping Centers or Industrial Parks					
Standard	CR	CO	BP	HI	Additional Requirements
<b>MINIMUM LOT DIMENSIONS</b>					
Net Lot Area (Acre)	5	5	10	10	
<b>FLOOR AREA RATIO</b>					
Minimum	0.20	0.25	0.25	0.15	
Maximum	0.35	1.0	0.60	0.50	
<b>YARDS/SETBACKS (Minimum)</b>					
Yard Adjacent to Street (Feet):					
Arterial	25	25	25	25	
Collector	20	20	20	20	
Local	15	15	15	15	
Yard Adjacent to Residential Zone (Feet)	25	25	50	50	
Interior Side Yard (Feet)	0	0	0	0	
Rear Yard (Feet)	15	10	10	25	
Minimum Building Separation (Feet):					
One story:	10	15	15	15	
Two stories:	15	20	20	20	
Three or more stories:	20	25	25	25	
<b>BUILDING HEIGHT (Maximum)</b>					
Principal Building (Feet)	50	50	40	40	
<b>BUILDING COVERAGE (Maximum)</b>					

Table 9.135.040-1 Commercial and Industrial Zones - Development Standards for Developments within Planned Shopping Centers or Industrial Parks					
Standard	CR	CO	BP	HI	Additional Requirements
Building Coverage (Percent)	30%	50%	40%	40%	
OPEN SPACE COVERAGE (Minimum)					
Landscaped Open Space Required (Percent)	20%	25%	25%	20%	
FENCES, WALLS, HEDGES, SCREENING					
Fence wall or hedge – maximum height (feet)	6	6	6	6	
Fence wall or hedge screening outdoor storage –minimum/max height (feet)	6/8	Not Allowed	6/12	6/12	

Table 9.135.040-2 Commercial and Industrial Zones - Development Standards for Development on Separate Lots					
Standard	CR	CO	BP	HI	Additional Requirements
MINIMUM LOT DIMENSIONS					
Net Lot Area (Square Feet) <sup>1</sup>	--	20,000	20,000	10,000	
Lot Width (Feet)	--	100	100	75	
Frontage (Feet)	30	60	80	80	
FLOOR AREA RATIO					
Minimum	0.20	0.25	0.25	0.15	
Maximum	0.35	1.0	0.60	0.50	
YARDS/SETBACKS (Minimum)					
Yard Adjacent to Street (Feet):					
Arterial	25	25	25	25	
Collector	20	20	20	20	
Local	15	15	15	15	
Yard Adjacent to Residential Zone (Feet)	25	25	50	50	
Interior Side Yard (Feet)	0	0	0	0	
Rear Yard (Feet)	15	10	10	25	
BUILDING HEIGHT (Maximum)					
Principal Building (Feet)	50	50	40	40	
BUILDING COVERAGE					
Maximum (Percent)	30%	50%	40%	40%	
OPEN SPACE COVERAGE (Minimum Percent)					
Landscaped Open Space Required (Percent)	20%	25%	25%	20%	
FENCES, WALLS, HEDGES, SCREENING (Feet)					
Fence wall or hedge – maximum	6	6	6	6	



height (Feet)					
Fence wall or hedge screening outdoor storage –minimum/max height (Feet)	6/8	Not Allowed	6/12	6/12	
1. All legal commercial and industrial lots in existence prior to the adoption of this ordinance shall be treated as conforming lots with respect to lot sizes.					

## Chapter 9.140 Economic Development Corridor Zones

### Contents:

- 9.140.010 Purpose
- 9.140.020 Description and Intent of Zone
- 9.140.030 Allowed Uses and Approval Requirements
- 9.140.040 Development Standards

### 9.140.010 Purpose

The purpose of this chapter is to establish business districts in the City that provide appropriate locations for commercial, office, industrial and economic development. These districts are consistent with and implement the City’s General Plan.

### 9.140.020 Description and Intent of Zone

The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. Economic Development Corridor Northern Gateway (EDC-NG). Envisioned as a business park area with more intensive industrial uses (less office) than envisioned for the Scott Road EDC area. Provides a buffer and transition between the commercial uses in Perris to the north and the residential uses in Menifee, south of McLaughlin Road.
- B. Economic Development Corridor McCall Boulevard (EDC-MB). Envisioned as a mix of office, medical, and residential uses (assisted living, senior apartments, townhomes, etc.) that would be compatible with the Regional Medical Center and would provide health-related services in close proximity to Sun City residents.
- C. Economic Development Corridor Community Core (EDC-CC). The Community Core is envisioned as the City’s primary activity center and gathering place. Civic and entertainment uses are envisioned here that are complemented with commercial retail uses and higher density housing options that encourage walkability and reduce the use of the automobile. This area is intended to function as the ceremonial “heart” or downtown of the City of Menifee and will serve as a transition from existing rural lots to more concentrated retail and office development moving east toward I-215.
- D. Economic Development Corridor Newport Road (EDC-NR). The Newport Road Corridor is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development to the north and south. Business park, office, or residential uses are envisioned along Bradley Road, to provide a buffer the commercial corridor and a logical transition to the adjacent single-family residential neighborhoods to the north.
- E. Economic Development Corridor Southern Gateway (EDC-SG). Southern Gateway will feature a business park style of development consisting of light industrial and office uses, with commercial use opportunities. The objective is to allow development while preserving the rural character of the Southern Gateway area.



### 9.140.030 Allowed Uses and Approval Requirements

- A. **Allowed Use Table.** Table 9.140.030-1 identifies allowed uses and corresponding approval requirements for the EDC zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in Article 6 of this title (Definitions). The list of land uses, with the exception of prohibited uses, on Table 9.140.030-1 shall be permitted in one or more of the EDC zones as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “--,” the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.140.030-1 authorize a use without satisfaction of such specified additional requirements
- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to Chapter 9.95 (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements						
Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Accessory dwelling units	P	P	P	P	P	As allowed by State law
Adult businesses	--	--	--	--	--	See XX (Adult Use Ordinance)
Airport	C	--	--	--	--	
Ambulance services	P	C	C	C	P	
Amusement and game arcade	--	-	P	C	C	
Amusement park(including multiple activities such as simulated flying, racing, mini-golf, etc.)	P	C	C	C	P	
Indoor	--	--	C	C	--	
Outdoor						
Art gallery, art studio, library, reading room, museum	P	P	P	P	P	
Auction Houses:						
Indoor	C	P	P	P	P	
Outdoor	C	C	C	C	C	
Auditoriums, event centers and assembly areas, including live entertainment:						
Indoor	C	C	P	C	P	Chapter 9.250 (Alcohol Sales)
Outdoor	--	C	C	--	--	

Table 9.140.D30-I Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Banks and financial institutions	P	P	P	P	P	
Batting cages – indoor	P	P	P	P	P	
Outdoor	C	C	C	C	C	
Bed and breakfast inn	-	C	C	C	-	Chapter 9.245 (Bed and Breakfast Uses)
Billiard and pool halls, Bowling alleys	P	C	P	C	P	Chapter 9.250 (Alcohol Sales)
Boat sales, rentals and services	--	C	C	C	C	
Breweries, distilleries, and wine making facilities with on-site tasting room and sales for off-site consumption	P	P	P	P	P	Chapter 9.250 (Alcohol Sales)
Car washes	P	C	C	P	-	
Caretaker residence or on-site operator residence, only as accessory to primary use	P	--	--	--	P	
Catering services	P	C	C	C	P	Includes truck parking
Cemeteries, crematories and mausoleums	C	C	--	C	C	
Clinics, including but not limited to medical, urgent care, eye care, dental and chiropractic.	P	P	P	P	P	
Commercial radio and television broadcasting	C	C	C	C	C	
Community center	P	P	P	P	P	
Concrete batch plants and asphalt plants	--	--	--	--	--	
Congregate care facility	--	C	C	C	-	Chapter 9.270 (Community Care Facilities)
Contractor storage yards, building materials sales yards	C	--	--	--	C	May not be located adjacent to the freeway right-of-way.
Convalescent hospital/care facility	--	P	C	C	C	
Dance Halls, night clubs, discos, cabarets, cocktail lounges, lodges and incidental dancing areas, and similar facilities where dancing is the principal use	C	C	C	C	C	Chapter 9.250 (Alcohol Sales)
Day Care Center	C	C	C	C	C	Chapter 9.270 (Community Care Facilities)

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Dry cleaning and laundromat (except uniform supply and industrial launderers);	--	C	P	P	C	
Educational Institution	C	C	C	C	C	
Emergency shelters <sup>1</sup>	P	P	P	P	P	As mandated by State law and City Housing Element. See footnote <sup>1</sup> below.
Equipment sales and rental, Large (including large vehicles, trucks with beds over 18 feet in length, eighteen plus (18+) wheelers, and construction equipment)	P	-	-	-	C	May not be located adjacent to the freeway right-of-way.
Equipment sales and rental, Small (including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding 20 cubic feet in capacity and other similar equipment)	P	C	C	C	C	May not be located adjacent to the freeway right-of-way.
Fast food/quick service, with drive-through;	P*	C	C	C	P*	*Drive-through only on properties along Ethanac Road in NG. Only on properties north of Scott Road in SG.
Fast food/quick service, without drive-through	P	P	P	P	P	
Feed and grain sales	C	--	--	P	C	
Fertilizer production and processing organic or inorganic	--	--	--	--	--	
Gas station with or without a convenience store, with or without alcoholic beverage sales, and with or without car wash	C	C	C	C	-	Chapter 9.250 (Alcohol Sales)
General Retail	P	P	P	P	P	
General warehousing, distribution centers, and storage (except noxious, explosives, or dangerous materials)	P	C	--	--	P	
Golf Course	--	C	C	C	-	
Golf driving range (not in association with full scale course)	C	C	C	C	C	
Governmental facility	P	P	P	P	P	
Grocery Store, Drug Store	P	P	P	P	P	Chapter 9.250

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
						(Alcohol Sales)
Guns and ammunition store	C	--	--	C	C	
Sale of Building Supplies/Hardware without outdoor sales/storage	P	P	P	P	P	
with outdoor sales/storage	C	C	C	C	C	
Health, fitness, dance, martial arts studio <5,000 sq.ft.	P	P	P	P	P	
>5,000 sq.ft.	C	C	C	C	C	
Heliports	C	C	C	C	C	
Hospital	C	C	C	C	C	
Hotels and resort hotels	P	P	P	P	P	
Kennel or cattery	C	C	C	C	C	Chapter 9.235 (Animal Keeping)
Laboratories, research and development	P	P	P	P	P	
Live/work units	C	C	C	C	C	Subject to the residential percentages in the General Plan.
Manufacturing, Handcraft	P	C	C	C	P	
Manufacturing, Light-Intensity	P	C	C	C	P	
Manufacturing, Medium-Intensity	C	--	--	--	C	
Manufacturing, Heavy-Intensity	C	--	--	--	C	
Meat packaging plants, poultry and egg processing, processing and rendering of fats and oils	--	--	--	--	--	
Membership clubs, organizations, and lounges	C	C	C	C	C	
Mobile home sales and storage, trailer sales and rental house trailers	C	--	--	C	--	
Motocross Facilities, Bicycle (BMX) course	C	--	--	--	--	
Motor vehicle body, paint and upholstery shops	P	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repair/services (e.g. tune-ups, emission tests, brakes, tires, batteries, electrical	P	P	C	P	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repairs - major (e.g., engine and transmission repair/rebuild, etc.)	C	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)



Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Motor vehicle sales and rental (including outdoor display area and repairs associated with sales)	C	C	C	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle wholesale, with no outdoor display	C	--	--	--	--	
Motor vehicle wrecking and junk yards	--	--	--	--	--	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle, trailer or boat storage – Indoor	C	C	C	C	C	
Outdoor	--	--	--	--	--	
Motorcycle sales/service	C	P	C	P	P	
Multi-family dwellings	C	C	C	C	C	Subject to the residential percentages in the General Plan.
Natural gas, above ground storage	C	--	--	--	C	
Nurseries and garden supply, indoor and outdoor (retail sales only)	C	C	C	C	C	Does not include cultivation of marijuana/cannabis
Offices (administrative, professional, governmental)	P	P	P	P	P	
Outdoor dining	P	P	P	P	P	Chapter 9.260 (Outdoor Sales, Display, and Dining)
Parking lots and parking structures.	P	C	C	P	P	
Personal and Professional Services	C	P	P	P	C	
Pet shops, pet supply, and pet care and grooming	P	P	P	P	P	
Prescription pharmacy when related and incidental to a professional office building	P	P	P	P	P	
Public utility substations, offices and storage buildings	P	P	P	P	P	
Recording studios	P	P	P	P	P	
Recycling collection facilities	C	C	--	C	C	Chapter 9.280 (Recycling Facilities); May not be located adjacent to the

Table 9-140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
						freeway right-of-way.
Recycling processing facilities	--	--	--	--	--	Chapter 9.280 (Recycling Facilities); May not be located adjacent to the freeway right-of-way.
Religious Institutions	C	C	C	C	C	
Residential care facility	C	C	C	C	C	
Restaurants	P	P	P	P	P	Chapter 9.250 (Alcohol sales)
Restaurants with breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption	P	P	P	P	P	Chapter 9.250 (Alcohol sales)
Self-Storage, public storage facilities	C	C	C	C	C	
Shooting range; Indoor	P	C	C	C	C	
Shooting range; Outdoor	--	--	--	--	--	
Single-family residences	C	C	C	C	C	Requires tentative tract map approval as well.
Smoking Lounge	C	C	C	C	C	
Solid Waste Disposal	--	--	--	--	--	
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, skate parks, stadiums, and commercial swimming pools)	C	C	C	--	C	
Swap Meets (Indoor only)	--	--	--	--	--	
Tattoo Establishments	C	C	C	--	--	Chapter 9.265 (Tattoo Establishments)
Tennis/swim club; Outdoor (not assoc. with larger sporting facility)	C	P	P	P	--	
Theaters	C	C	P	C	P	
Towing services (with tow truck parking, no auto storage)	P	C	--	--	C	
Truck stops	P	--	--	--	--	

Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Trucking and freighting operations	C	C	--	--	C	
Vocational/trade school;	P	C	C	C	P	
Warehouse/club store, Standalone facility 50,000 sq. ft. or larger	C	C	C	C	C	
Warehouse/club store, Standalone facility under 50,000 sq. ft.	P	P	P	P	P	
Wedding chapels	C	C	C	C	C	
Wholesale businesses with samples on the premises but not including storage.	P	P	P	P	P	
Wholesale stores and distributors	C	C	C	C	C	
Wireless Communication Facilities	C	C	C	C	C	Chapter 9.290 (Wireless Communication Facil

**FOOTNOTES:**

<sup>1</sup>Emergency Shelters shall:

- A. Provide on-site facilities management personnel during all hours that the emergency shelter is in operation.
- B. Be located no less than 300 feet from another emergency shelter.
- C. Provide adequate lighting to illuminate the entire outdoor and parking areas of the property.
- D. Provide security during all hours that the emergency shelter is in operation.

### 9.140.040 Development Standards

The development standards listed below are the minimum standards for development within the respective zones.

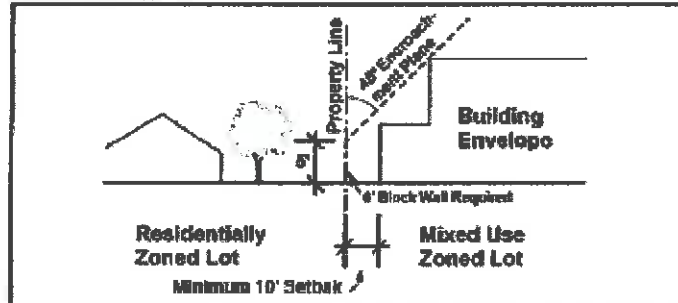
Table 9.140.040-2 Economic Development Corridors Zones - Development Standards

Standard	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
<b>LOT DIMENSIONS (Minimum)</b>						
Net Lot Area (Sq. Ft.)	15,000	15,000	15,000	10,000	20,000	
<b>FLOOR AREA RATIO</b>						
Maximum	1.0	1.0	1.0	1.0	1.0	
<b>YARDS/SETBACKS (Minimum)</b>						
Front Yard	15	15	15	25	25	
Yard Adjacent to Residential Zone (Feet)	25	25	25	25	25	No buildings or structures shall be located within an encroachment plane sloping upward and

Table 9.140.040-2 Economic Development Corridors Zones - Development Standards

Standard	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
						inward to the site at a 45-degree angle, commencing 15 feet above the existing grade at the property line (see Figure 9.140-1: Rear or Side Yard Setback and Encroachment Plane on a Residentially Zoned Lot).
Interior Side Yard (Feet)	--	--	--	--	--	
Rear Yard (Feet)	10	15	15	15	10	
<b>BUILDING HEIGHT (Maximum)</b>						
Building Height (Feet)	100	45	75	45	75	
<b>BUILDING COVERAGE (Maximum)</b>						
Building Coverage (Percent)	--	--	--	--	--	
<b>OPEN SPACE COVERAGE (Minimum)</b>						
Landscaped Open Space Required (Percent): Parcels < 1 acre Parcels > 1 acre	10% 5%	10% 5%	10% 5%	10% 5%	10% 5%	Those portions of the lot left with a pervious surface area as identified in a Site Plan reviewed by the City shall be improved with landscaping reflecting a drought tolerant landscaping theme, featuring the use of drought resistant plants.  Percent of the total lot area excluding that portion of the lot contained within the required front setback area.
<b>FENCES, WALLS, HEDGES, SCREENING (Feet)</b>						
Fence wall or hedge – maximum height (Feet)	6	6	6	6	6	
Fence wall or hedge screening outdoor storage –minimum/max height (Feet)	6/12	6/8	6/8	6/8	6/12	

Figure 9.140-1: Rear or Side Yard Setback and Encroachment Plane on a Residentially Zoned Lot



## Chapter 9.145 Open Space/Conservation Zones

### Contents:

- 9.145.010 Purpose
- 9.145.020 Description and Intent of Zone
- 9.145.030 Allowed Uses and Approval Requirements
- 9.145.040 Development Standards

### 9.145.010 Purpose

The purpose of this chapter is to establish Open Space and Conservation Zoning Districts in the city that provide appropriate locations for open space conservation, open space recreation, and open space water areas. These districts are consistent with and implement the City's General Plan land use categories. The purpose of this zone is to permit the use of open space land within the City for the uses compatible with the protection of the natural and scenic resources for the benefit of the present and future generations.

### 9.145.020 Description and Intent of Zone

The following descriptions of each open space/conservation zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district:

- A. Open Space Conservation (OS-C). The protection of open space for natural hazard protection, and natural and scenic resource preservation. Existing agriculture is permitted to remain.
- B. Open Space Recreation (OS-R). Recreational uses including parks, trails, athletic fields, golf courses, and drainage corridors to be used as recreation facilities. Neighborhood parks are permitted within residential land uses.
- C. Open Space Water (OS-W). Includes bodies of water and natural or artificial drainage corridors. Recreational facilities such as parks and trails are also permitted in this designation if agreements can be reached with governing agencies.

### 9.145.030 Allowed Uses and Approval Requirements

- A. Allowed Use Table. Table 9.145.030-1 identifies allowed uses and corresponding approval requirements for the open space/conservation zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in Article 6 of this title (Definitions). The





list of land uses on Table 9.145.030-1 shall be permitted in one or more of the open space/conservation zones as indicated in the columns corresponding to each zone.

- B. **Approval Requirements.** Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “--,” the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.145.030-1 authorize a use without satisfaction of such specified additional requirements
- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to Chapter 9.95 (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.145.030-1 Open Space/Conservation Zones - Allowed Uses and Approval Requirements				
Allowed Use	OS-C	OS-R	OS-W	Additional Requirements
Athletic field and clubhouse	--	P	--	
Bicycle paths, trails	P	P	P	
Camps	C	C	--	
Campgrounds and recreational vehicle parks	--	C	--	
Cemeteries	--	--	--	
Commercial stables and riding academies	--	C	--	
Commercial fairgrounds and exhibitions	--	C	--	
Community center	--	C	--	
Community garden	P	P	P	
Community recreation facilities as a part of a development	--	P	--	
Conservation lands, natural and scenic resource protection	P	P	P	
Continuation of existing farms and agricultural uses	--	--	--	
Game courts, badminton, tennis, racquetball	--	P	--	
Golf course and clubhouse	--	C	--	
Government and public utilities facilities	C	C	C	
Greenway	P	P	P	
Hunting clubs, skeet, trap, rifle and pistol ranges	--	C	--	
Nature and visitor centers	P	P	--	
Nurseries	--	--	--	
Parks and recreation areas	C	P	C	

Table 9.145.030-1 Open Space/Conservation Zones - Allowed Uses and Approval Requirements				
Allowed Use	OS-C	OS-R	OS-W	Additional Requirements
Public square or plaza	--	C	--	
Waterbodies, flood control facilities, including drainage channels, basins and any other drainage infrastructure improvements	P	P	P	
Wireless Communication Facilities	C	C	C	Chapter 9.290 (Wireless Communication Facilities)

### 9.145.040 Development Standards

The development standards listed below are the minimum standards for development within the respective zones.

Table 9.145.040-2 Open Space/Conservation Zones - Development Standards				
Standard	OS-C	OS-R	OS-W	Additional Requirements
LOT DIMENSIONS (Minimum)				
Minimum Lot Area (Sq. Ft.)	20,000	--	--	
FLOOR AREA RATIO				
Maximum Floor Area Ratio	0.10	0.10	--	
YARDS/SETBACKS (Minimum)				
Setback from Street ROW (Feet)	50	50	--	
Setback from Adjoining Property Lines (feet)	25	25	--	
Building Height (Maximum)				
Building Height (Feet)	20	35	--	
Building Coverage (Maximum)				
Maximum Building Coverage (Percent)	10%	20%	--	
Open Space Coverage (Minimum)				
Open Space Required (Percent)	90%	80%	100%	

### Chapter 9.150 Public/Quasi-Public Facilities

Contents:

- 9.150.010 Purpose
- 9.150.020 Description and Intent of Zone
- 9.150.030 Allowed Uses and Approval Requirements
- 9.150.040 Development Standards



### **9.150.010 Purpose**

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The purpose of this chapter is to establish public and quasi-public zoning districts in the city that provide appropriate locations for public/quasi-public facilities, public utility corridor, and transportation facilities, such as railroad. These districts are consistent with and implement the City’s General Plan land use categories. The districts provide locations in the city for necessary public services and facilities (e.g., fire and police stations) and locations utility corridors and transportation in close proximity to neighborhood residential.

### **9.150.020 Description and Intent of Zone**

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The following descriptions of each public/quasi-public zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district:

- A. Public/Quasi-Public Facilities (PF). Allows civic uses such as City administrative buildings (City Hall, fire stations, police stations, community centers), government offices, corporation yards (areas for the City or other public agencies to store equipment or vehicles), cemeteries, libraries. Applies to existing public and private schools at the elementary, junior high, and high school levels. Also includes institutions of higher learning.
- B. Public Utility Corridor (PUC). Indicates locations that contain easements for significant public utilities infrastructure, such as transmission lines. Improvements within utility easements may include parks, trails, nurseries, storage, or any other use that is compatible with adjacent land uses and permitted by the utility. Any uses proposed within these easements will require coordination with the appropriate utility provider.
- C. Rail (RX). Identifies property specifically for transportation purposes (e.g., light rail tracks/station, multi-modal transportation hubs, park and ride facilities). Such properties typically include transportation infrastructure (e.g., rails, catenaries, signals), but may also include related and supporting uses (e.g., stations with transit and services for riders).

### **9.150.030 Allowed Uses and Approval Requirements**

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- A. Allowed Use Table. Table 9.150.030-1 identifies allowed uses and corresponding approval requirements for the public/quasi-public zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in Article 6 of this title (Definitions). The list of land uses on Table 9.150.030-1 shall be permitted in one or more of the public/quasi-public zones as indicated in the columns corresponding to each zone.
- B. Approval Requirements. Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “--,” the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall table 9.150.030-1 authorize a use without satisfaction of such specified additional requirements
- C. Unlisted Uses. Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to Chapter 9.95 (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.



Table 9.150.030-1 Public/Quasi Public Zones - Allowed Uses and Approval Requirements

Allowed Use	PF	PUC	RX	Additional Requirements
Auditoriums, event centers and assembly areas, including live entertainment: Indoor Outdoor	C C	--	--	Chapter 9.250 (Alcohol Sales)
Cemetery	C	--	--	
Churches, synagogues, temples and other religious facilities	=C	--	--	
College or university	C	--	--	
Community center	P	--	--	
Congregate care facilities	--	--	--	Chapter 9.270 (Community Care Facilities)
Day care center	C	--	--	Chapter 9.270 (Community Care Facilities)
Educational Institution	C	--	--	
Fire or EMS facility	C	--	--	
Garages, public parking	C	--	--	
Government maintenance, storage, or distribution facility	C	C	--	
Government office	P	--	--	
Library	P	--	--	
Museum	P	--	--	
Nursery	--	P	--	
Park and recreation areas	P	P	--	
Park and Ride	P	P	P	
Police station or substation	P	--	--	
Post office	P	--	--	
Public utility use and facilities	P	P	--	
Railroad tracks, station, transportation hub, passenger terminal	--	--	C	
Residential Care Facility	--	--	--	Chapter 9.270 (Community Care Facilities)
Senior center	C	--	--	
Wireless Communication Facilities	C	C	C	Chapter 9.290 (Wireless Communication Facilities)



### 9.150.040 Development Standards

The development standards listed below are the minimum standards for development within the respective zones.

Table 9.150.040-2 Public/Quasi Public Zones - Development Standards				
Standard	PF	PUC	RX	Additional Requirements
<b>LOT DIMENSIONS (Minimum)</b>				
Net Lot Area (Sq. Ft.)	7,000	--	--	
Lot Width (Feet)	50	--	--	
Lot Depth (Feet)	100	--	--	
<b>YARDS/SETBACKS (Minimum)</b>				
Front yard setback (Feet)	25	25	--	
Side Yard Setback, Interior (Feet)	10	10	--	
Side Yard Setback, Street (Feet)	15	15	--	
Rear Yard Setback (Feet)	15	15	--	
<b>BUILDING HEIGHT (Maximum)</b>				
Building Height (Feet)	35	35	--	
<b>BUILDING COVERAGE (Maximum)</b>				
Lot Coverage (Percent)	35%	35%	--	
<b>OPEN SPACE COVERAGE (Minimum)</b>				
Landscaped Open Space (Percent)	25%	25%	--	

### Chapter 9.155 Special Planning Areas

Contents:

- 9.155.010 Purpose
- 9.155.020 Adopted Specific Plans
- 9.155.030 Planned Development Districts

#### 9.155.010 Purpose

This Chapter lists all of the adopted specific plans and planned developments established in the City including any special provisions or procedures that apply to those special planning areas.

#### 9.155.020 Adopted Specific Plans

- A. The following specific plans have been approved by the City, or by the County of Riverside prior to incorporation of the City. They are designated on the official zoning map of the City and are hereby incorporated into this Title in their entirety by reference.
  - SP-1 [name of project]
  - SP-2 [name of project]
- B. Future specific plans shall be prepared and adopted in accordance with Chapter 9.100 (Specific Plans). They shall be numbered consecutively with the prefix "SP."



### **9.155.030 Planned Development Districts**

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A. The following planned developments have been approved by the City, or by the County of Riverside prior to incorporation of the City. They are designated on the official zoning map of the City. The standards and conditions of approval of each planned development are adopted by resolution and shall be maintained and kept on file for public review by the Community Development Department.

PD-1 [name of project]

PD-2 [name of project]

B. Future planned developments shall be prepared and adopted in accordance with Chapter 9.75 (Planned Developments) and numbered consecutively with the prefix "PD."

## **ARTICLE 4: SITE DEVELOPMENT REGULATIONS AND PERFORMANCE STANDARDS**

Contents:

- Chapter 9.160 General Development Standards
- Chapter 9.165 Accessory Structures
- Chapter 9.170 Cluster Development Subdivisions
- Chapter 9.175 Dedications and Improvements
- Chapter 9.180 Density Bonuses, Incentives, and Concessions
- Chapter 9.185 Fences, walls and screening
- Chapter 9.190 Hillside Development Standards
- Chapter 9.195 Landscaping Standards
- Chapter 9.200 Tree Preservation
- Chapter 9.205 Lighting Standards
- Chapter 9.210 Performance Standards
- Chapter 9.215 Parking and Loading Standards
- Chapter 9.220 Sign Regulations
- Chapter 9.225 Waste Storage Facilities
- Chapter 9.230 Utilities

### **Chapter 9.160 General Development Standards**

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Contents:

- 9.160.010 Purpose
- 9.160.020 Applicability
- 9.160.030 Setback Requirements and Exceptions
- 9.160.040 Building Height Measurements and Exceptions
- 9.160.050 Access
- 9.160.060 Intersection Sight Distance

#### **9.160.010 Purpose**

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The purpose of this chapter is to provide general development standards in order to ensure that future development is well designed, has a desirable character, and is integrated with existing and future development.

### **9.160.020 Applicability**

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The standards of this chapter apply to more than one zoning district (residential, commercial, etc.). To eliminate redundancies, these standards have been combined in this chapter. These standards shall be considered in combination with any additional standards outlined in the individual zones included in Article III (Zones). Where there may be a conflict, the standards specific to the zoning district standard shall override the general standards in this chapter.

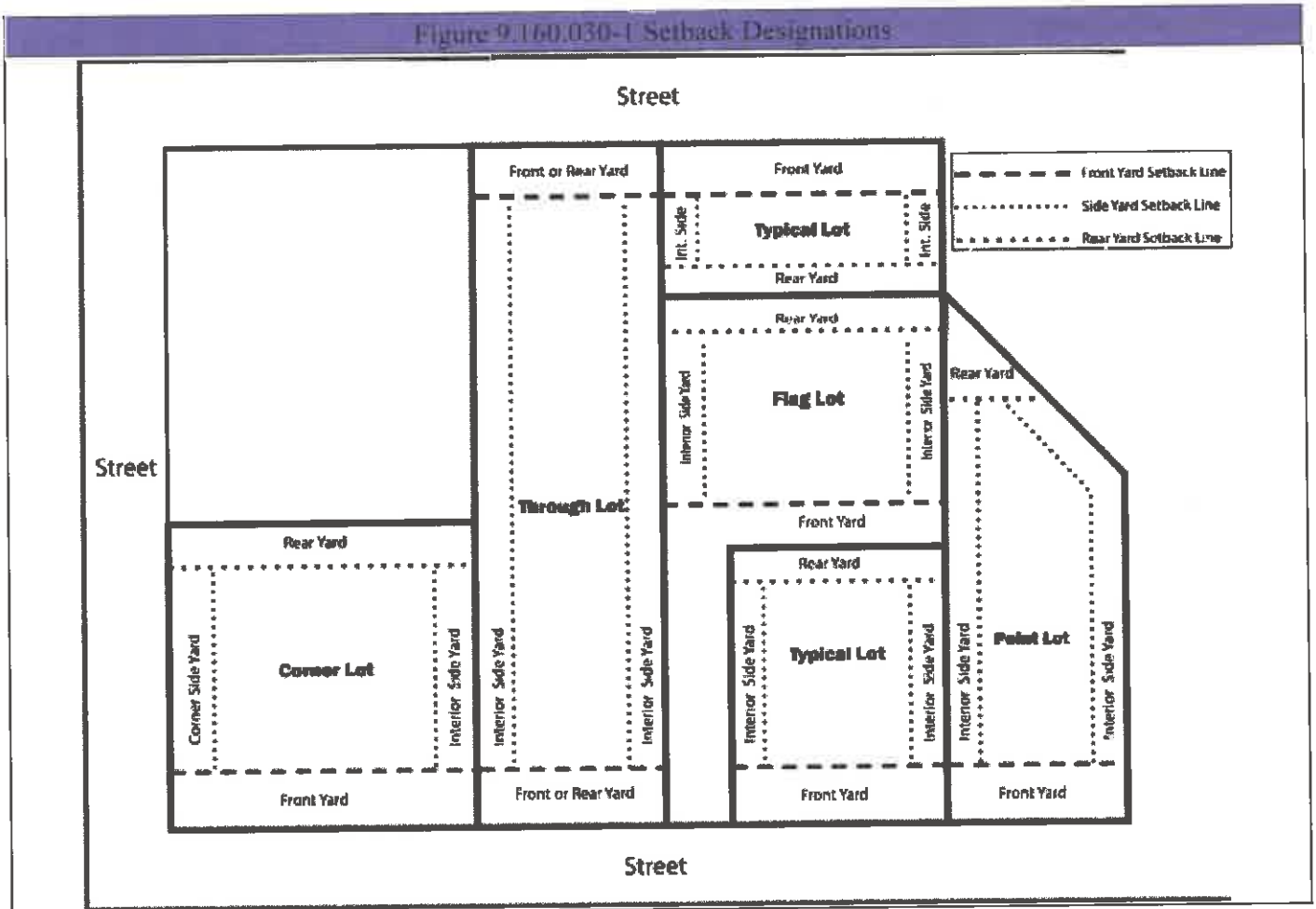
### **9.160.030 Setback Requirements and Exceptions**

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This section establishes standards to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

- A. **Setback Requirements.** All structures shall conform with the setback requirements established for each zoning district by Article 3 (Zones), and with any special setbacks established for specific uses by this Title. Except as otherwise specified in this Title, required yard areas shall be kept free of buildings and structures. Each yard shall be open and unobstructed from the ground upward, except as provided in this section. Portions of a structure, including eaves or roof overhangs, shall not extend beyond a property line or into an access easement or street right-of-way.
- B. **Exemptions from Setback Requirements.** The minimum setback requirements of this Title apply to all uses except the following:
  - 1. Fences or walls constructed within the height limitations of this Title;
  - 2. Decks, freestanding solar devices, steps, terraces and other site design elements that are placed directly upon the finished grade and do not exceed a height of 18 inches above the surrounding finished grade at any point;
  - 3. Retaining walls less than 3 feet in height above the finished grade;
  - 4. Water elements such as fountains, ponds and other water treatments, may be placed in setback areas, provided they are integral to the overall architectural or landscape design of the site and do not create a traffic safety hazard;
  - 5. Public art, such as sculptures, statues, murals and other installations of an adequately durable and weatherproof design, may be placed in street setback areas, provided they are integral to the overall architectural or landscape design of the site and do not create a traffic safety hazard.
- C. **Measurement of Setbacks.** Setbacks shall be measured as follows (see Figure 9.160.030-1):
  - 1. **Front Yard Setbacks.** Generally, the front yard setback is determined by the front lot line, which is the lot line paralleling the street. The setback shall be measured at right angles from the front property line, establishing a setback line parallel to the front property line that extends from the side property lines on each side. In the case of a lot abutting two or more streets (corner lot), the front yard shall be the shortest length of the lot abutting a street, unless otherwise designated by the Community Development Director.
    - a. **Flag Lots.** The measurement shall be taken from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest to the public street or right-of-way.

2. Interior Side Yard Setbacks. The interior side yard setback shall be measured at right angles from the nearest point on the interior side property line, establishing a setback line parallel to the side property lines that extends between the front and rear yards.
3. Corner Side Yard (street side) Setbacks. The side yard on the street side of a corner parcel shall be measured at right angles from the nearest point of the side property line adjoining the street, establishing a setback line parallel to the side property line that extends between the front and rear yards.
4. Rear Yard Setbacks. The rear yard shall be measured at right angles from the nearest point on the rear property line of the parcel, establishing a setback line parallel to the rear property line that extends between the side property lines.
5. Through Lots. On through lots, either lot line separating such lot from a street may be designated as the front lot line. In such cases, the minimum rear yard shall not be less than a required front yard in the zone in which such lot is located.



- D. Allowed Projections into Setbacks. The following architectural features, not providing additional floor space, may extend into the front, side and rear yard setbacks, only as follows:
1. Chimneys/Fireplaces. A chimney/fireplace, up to 6 feet in width, may extend 2 feet into a required setback, but no closer than 3 feet to a side or rear property line.

2. **Canopies, Cornices, Eaves, Roof Overhangs and Wall Projections.** Architectural features on the main structure, including, but not limited to, balconies, bay windows, canopies, cornices, eaves, wall projections, overhangs and decorative features, that do not increase the floor area enclosed by the structure may extend 2 feet into required yards.
3. **Porches and Stairways.** Covered, unenclosed porches, located at the same level as the entrance floor of the structure and outside stairways and landings that are not enclosed, may extend 3 feet into required yards, with a minimum 5-foot setback to the rear property line.
4. **Attached Covered Patios.** Covered but unenclosed patios and pergolas attached to the main structure may extend 6 feet into a required rear yard.
5. **Mechanical Equipment.** Ground- mounted outdoor air conditioning units and mechanical equipment for indoor climate control, or solar equipment may extend 3 feet into rear yard and 2 feet into side yard. Mechanical equipment is not permitted in the front yard.

Zone	Front Yard	Rear Yard	Interior Side Yard
AG, RM, RR5, and RR2	10 ft	5 ft	5 ft
RR1, RR1/2, LDR-1, LDR-2, LMDR and MDR	Not permitted	5 ft	5 ft
Other	10 ft	10 ft	10 ft

Notes:

1. The water's edge of a swimming pool, spa, hot tub and any associated water slide, rock feature or other structure shall be used to determine setback distance.
2. Pools and spas shall be enclosed by walls or fences no less than 5 feet in height per the California Building Code.
3. Pool equipment shall be screened from view from the front yard and from ground view from adjacent dwelling units.

### 9.160.040 Building Height Measurements and Exceptions

The following rules apply to the calculation and determination of height of structures in the city. The intent of these regulations is to provide for compatibility in the measurement of building height under a variety of circumstances (e.g., sloped site).

- E. **Height Measurement.** The height of a structure shall be measured as the vertical distance from the finished grade to the highest point of the roof of the structure. Height is measured as the vertical distance from the finished grade of the site to an imaginary plane located the allowed number of feet above and parallel to the finished grade.
- F. **Height Limits.** Height limits are established throughout this Title. Primarily, height limits are listed in the chapters of Article 3 (Zones) in development standards by zone. Additional height limits are established for accessory structures, fences and walls, outdoor lighting and signs and are contained in subsequent chapters of this Article 4.
- G. **Height Exceptions.** Height limits typically exclude architectural features and appurtenances such as, but not limited to, chimneys, antennas, elevators, windmills and similar mechanical equipment.

1. **Architectural Features.** Chimneys, cupolas, flagpoles, monuments, radio and other towers, gas storage holders, water tanks and similar structures and mechanical appurtenances may be permitted in excess of building height limits by no more than 15 feet, provided, however, that the same may be safely erected and maintained at such height in view of the specific conditions and circumstances affecting the structure and adjacent properties.
2. **Structures in Residential Districts.**
  - a. **Antenna, Noncommercial.** One noncommercial antenna may be permitted up to 52.5 feet in height for each parcel. Antennas shall be set back from all property lines at least 1.25 times the height of the antenna. Height does not include the additional height of whip antennas. Additional antennas shall require a conditional use permit.
  - b. **Windmills, Noncommercial.** One noncommercial windmill may be permitted up to 35 feet in height for each parcel. Structures shall be set back from all property lines at least 1.25 times the height of the structure, measured to the top of the highest element of the structure. Additional windmills shall require a conditional use permit. Up to a 50% increase in height, to 52.5 feet, may be approved subject to a conditional use permit.

#### **9.160.050 Access**

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- A. **Access to Streets.** Every structure shall be constructed upon or moved to a legally recorded parcel with a permanent means of access to a public street or road, or a private street or road, conforming to city standards. All structures shall be located to provide safe and convenient access for servicing, fire protection and required off-street parking.
- B. **Access to Structures.**
  1. Accessory structures and architectural features shall not obstruct access to primary structures or accessory living quarters. Also refer to Chapter 9.200 (Accessory Structures).
  2. Fences and walls blocking access shall incorporate an access gate or other suitable opening at least 12 feet or greater in width, or per Fire Department requirements, to provide vehicle access to parking areas and at least 48 inches in width to allow pedestrian access to primary or accessory structures.

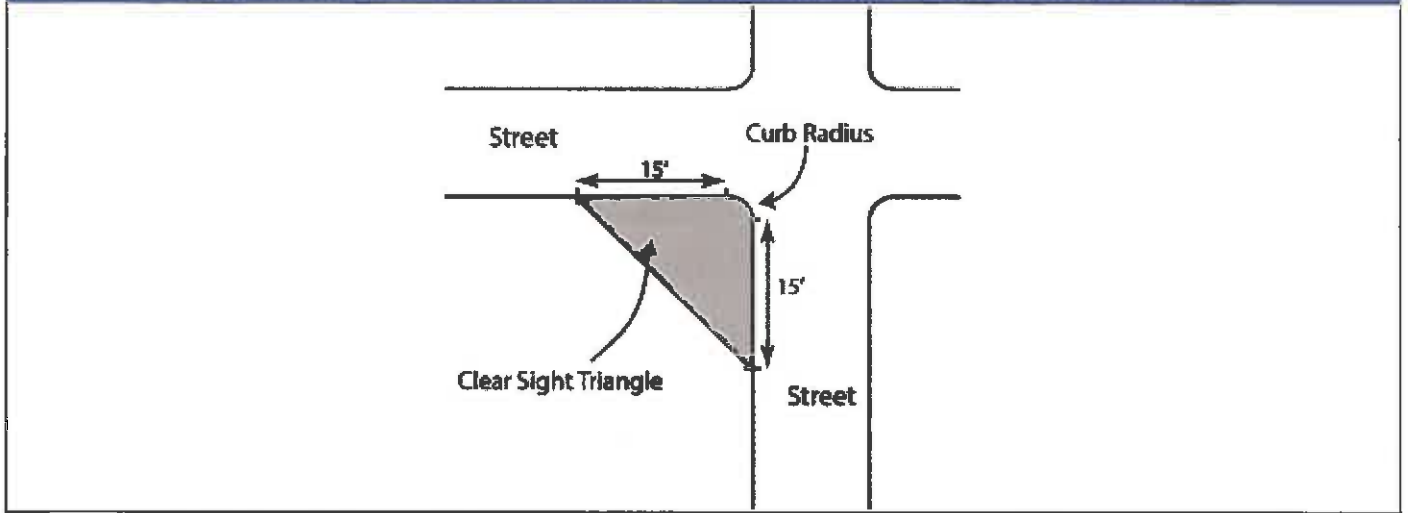
#### **9.160.060 Intersection Sight Distance**

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- A. A sight visibility area shall be provided at the intersection of all streets and of all streets and major driveways leading to common parking areas (excluding single-family residential).
- B. Nothing shall be placed or allowed to grow in the corner cutoff area greater than 36 inches from the top of the curb that obstructs visibility or threatens vehicular or pedestrian safety. The dimensions of the corner site visibility area shall be measured from the curb return at each side of the curb radius. The sight visibility area requirement is based upon the type of street as follows:
  1. Local street or alley: 15 feet.
  2. Collector or arterial: 25 feet.



Figure 9.160.060-2 Corner Site Visibility – Local Street or Alley, Collector or Arterial



## Chapter 9.165 Accessory Structures

### Contents:

- 9.165.010 Purpose
- 9.165.020 Applicability
- 9.165.030 Development Standards
- 9.165.040 Permit Requirements
- 9.165.050 New Metal Shipping Containers Prohibited
- 9.165.060 Existing Registered Metal Shipping Containers
- 9.165.070 Placement Standards for Metal Shipping Containers
- 9.165.080 Removal of Metal Shipping Containers

### 9.165.010 Purpose

This chapter establishes regulations for the design and location of accessory structures in residential zones to help ensure that such structures are adequately designed and are integrated and compatible with the character of the primary structure on a lot and that of the surrounding properties. Provisions regulating the use of metal shipping containers as accessory storage facilities on residentially designated properties are also included in this chapter.

### 9.165.020 Applicability

The regulations in this chapter apply only to agricultural and residential zones in Menifee, including AG, RM, RR5, RR2, RR1, RR1/2, LDR-1, LDR-2, LMDR, MDR, MHDR and HDR. Nonconforming accessory structures are addressed in Chapter 9.15.

### 9.165.030 Development Standards

An accessory structure (not including metal shipping containers, see Section 9.165.050-110) is permitted in all residential zones subject to the following requirements, which are in addition to any requirements of that residential zone.

- A. Location. Accessory structures shall be located only in rear and interior side yards or within the allowable buildable area.
- B. Height. Accessory structures shall not exceed a height of 16 feet, except they shall be allowed up to the maximum building height in the agricultural and rural residential zones.
- C. Separation. Accessory structures shall be located at least 10 feet from the main building and at least 5 feet from another accessory structure.
- D. Setbacks. Setback requirements and the placement of accessory structures in the required yards are set forth in Table 9.165.030-1, Accessory Structures Setbacks.

Accessory Structure	Front Yard <sup>1</sup>	Rear Yard <sup>1</sup>	Interior Side Yard <sup>1</sup>
Accessory Dwelling Units	Not permitted	10 ft <sup>1</sup>	5 ft
Carpports	Not permitted	5 ft for support column	2 ft
Garage	20 ft (Entrance faces street) 10 ft (Entrance from side not facing front yard)	10 ft	5 ft
Gazebo/garden structure	Not permitted	5 ft	5 ft
Detached guest house	Not permitted	10 ft	5 ft
Solar Equipment	Not permitted	3 ft	3 ft
Storage/utility storage	Not permitted	3 ft	3 ft

Notes:

<sup>1</sup>If the zoning classification of a particular property provides for a different front, rear, or side yard setback, the smaller setback shall apply.

- E. Accessory uses and structures shall be incidental to and not alter the residential character of a parcel.
- F. No accessory structure, or total square footage of multiple accessory structures, shall occupy more than 30% of the rear yard of a parcel, but in no case greater than 600 square feet for lots less than one-half acre, 900 square feet for one-half to 1 acre, or 3,000 square feet for lots greater than 1 acre.
- G. Lot coverage calculations shall include all enclosed accessory structure area on a lot or parcel.
- H. In the case of through lots, no accessory structure shall encroach upon the required front yard on either street. In the event that the front yard and rear yards cannot be clearly determined, the Community Development Director will determine the required setbacks.
- I. Underground facilities shall not be subject to the height limitations.
- J. Accessory structures shall include eaves or overhangs and be compatible with the materials, colors and architecture, including roof pitch, of the main building or residence.
- K. Bare metal buildings (metal buildings without paint or exterior architectural coatings or treatments) shall be prohibited.
- L. Accessory structures shall not be placed within a lot in a manner which would cause significant environmental impacts to drainages, watercourses, sensitive habitat, or archeological or paleontological resources.



- M. An accessory structure used for vehicle storage shall have clear, unobstructed access to the structure across the parcel. No additional curb cuts may be installed for the accessory structure.
- N. The use of metal storage container(s) to construct an underground facility shall be prohibited.
- O. No accessory structure shall be erected unless a main building exists on the parcel.

#### **9.165.040 Permit Requirements**

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- A. In any residential zone or where the principal use of a lot is a dwelling, the approval of a Plot Plan pursuant to Article 2, Chapter 9.80, of this Title shall be required for any accessory structure over 120 square feet.
- B. If the property on which a accessory structure is proposed is within a high fire area, clearance from the Riverside County Fire Department–Planning will be required prior to approval of the application.
- C. Applicants for an underground facility shall complete a study analyzing the archaeological or paleontological impacts if their property is located in an area that is archaeologically sensitive per City records or has a high potential for paleontological impacts as indicated by the City's Geographical Information System.
- D. A public hearing pursuant to Article 2, Section 9.30.080, of this Title shall be required for any accessory structure which is not exempt from the California Environmental Quality Act (CEQA) or includes a variance.

#### **9.165.050 New Metal Shipping Containers Prohibited**

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No metal shipping containers shall be allowed to be placed, installed or located upon a residentially designated property, except in a temporary basis when utilized during construction or grading operations for the site where located and when utilized solely for the storage of supplies and equipment that are used for construction or grading on that site.

#### **9.165.060 Existing Registered Metal Shipping Containers**

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All existing metal shipping containers in place on residentially designated properties within the City 30 days prior to adoption of Ordinance 2014-142, which adoption occurred on August 20, 2014, and for which a metal shipping container notification/registration was filed with the Community Development Department on or before September 19, 2015, are hereby ratified and allowed to remain on the residential property in the same location and placement. Existing containers may not be moved, repositioned or relocated, except in conformance with Section 9.165.070. All metal shipping containers in place on the effective date of adoption of Ordinance 2014-142 must have been registered with the Community Development Department by September 19, 2015. If a property owner, or individual in control of the property, failed to comply with the notification requirement, the property owner may be ordered to remove the containers from the residential property, at the discretion of the Community Development Director. Any such order by the Community Development Director shall be subject to the appeal provisions of Section 2.20.150 of the Menifee Municipal Code. An appeal fee shall be submitted with any notification requirement appeal application until an alternative notification requirement appeal fee is established by City Council resolution.

#### **9.165.070 Placement Standards for Metal Shipping Containers**

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Any movement/repositioning or relocation of a registered metal shipping container(s) in residential zones requires approval from the Community Development Director, and if such approval is granted, the standards of this section shall apply as well as all applicable provisions of this chapter.

- A. Metal shipping containers shall not be located closer than 50 feet from any property line, nor within the area in front of the leading edge of the home upon the residential property, or within any required parking space.
- B. Metal shipping containers shall not be placed upon a residential lot in a manner which would cause significant impacts to drainages, watercourses, sensitive habitat, or archeological or paleontological resources.
- C. Metal shipping containers shall not be located closer than 5 feet from one another and may not be closer than 20 feet from any other structure.
- D. Containers shall not be stacked one upon the other.

### **9.165.080 Removal of Metal Shipping Containers**

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- A. All metal shipping containers shall be removed from residential property prior to or upon the property's sale or transfer. Failure of the property owner, or individual in control of a property, to remove all containers from a residentially designated property in conformance to this chapter shall be in violation of the Menifee Municipal Code.
- B. It is the responsibility of the residential property owner, that prior to or upon the sale, transfer or any change in ownership of residential property where a container(s) are located, to remove all metal shipping containers from that residential property. Metal shipping containers not removed in accordance with the provisions of this section at the time of sale or transfer shall be, by the authority of this chapter, in violation of this chapter and be subject to removal at a date determined by the City.

### **Chapter 9.170 Cluster Development Subdivisions**

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#### Contents:

- 9.170.010 Purpose
- 9.170.020 Authorization
- 9.170.030 Applicability
- 9.170.040 Development Standards

#### **9.170.010 Purpose**

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The purpose of cluster development subdivision development is to provide:

- A. Site planning and unity of design in harmony with the natural features and constraints of specific sites, and particularly on sites with unique or severe topographic or hydrologic features and biological resources.
- B. Protection of natural, historic and man-made elements of scenic, environmental or cultural significance.
- C. Design innovation.
- D. Flexibility of siting of structures and roadways.
- E. More cost-effective development due to decreased grading and more efficient servicing of the development with utilities, roads and other essential services.
- F. Additional open space for private or community purposes.
- G. A preferred planning tool for the development of land within constrained or otherwise lands suitable for preservation.

#### **9.170.020 Authorization**

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For the purpose set forth earlier in this chapter and to promote natural resource preservation and conservation and to minimize the construction and maintenance costs of community facilities and utilities, all directed toward the objective of fostering land development of good quality and design at reasonable economic cost, the Planning Commission is hereby authorized to review and act upon all cluster development subdivisions in accordance with the following provisions. In all cases, the Planning Commission shall have the full authority of subdivision approval, approval with conditions or denial, as authorized by the Subdivision Map Act.

### **9.170.030 Applicability**

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This chapter applies to any proposed single-family residential development that would benefit from or achieve one or more of the purposes. Cluster development subdivisions shall be permitted for a residential development consisting of five or more residential lots.

### **9.170.040 Development Standards**

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- A. **General Standards.** Cluster development subdivisions, and adjustments of residential lot standards, shall comply with the following standards:
  - 1. All development shall be located on the more level and unconstrained portions of the site, while steeper and environmentally sensitive areas shall be preserved in a natural state.
  - 2. Lots developed through cluster development subdivisions may be smaller in size than would be allowed by the underlying zone, so long as the following occurs:
    - a. The resultant development generally retains the architectural mass, bulk and scale of surrounding/existing development.
    - b. The resultant development preserves, as much as feasible, other environmentally sensitive areas or habitat on-site.
- B. **Lot Count.** The permitted number of dwelling units may not exceed the number which could be permitted, taking into consideration natural and regulatory constraints, if the parcel(s) were subdivided into lots conforming to all the normally applicable requirements of this Title, including the Subdivision Ordinance, Riverside County Department of Environmental Health regulations and all other applicable laws and standards. The basis for this determination will be a conceptual conventional subdivision map layout for the subject parcel(s), and any other information as may be required by the Planning Commission.
- C. **Cluster Development Subdivisions.** At the written request of the applicant, the Planning Commission may modify the zoning regulations in one-family residence districts with respect to lot area and dimensions provided that:
  - 1. Such modifications result in design and development which promote the most appropriate use of the land, facilitate the adequate and economical provision of streets and utilities, and preserve the natural and scenic qualities of open lands.
  - 2. The permitted number of dwelling units in no case exceeds the number which could be permitted, in the Planning Commission's judgment, if the land were subdivided into lots conforming to all the normally applicable requirements of this chapter, the Subdivision Ordinance, Riverside County Department of Environmental Health regulations and all other applicable standards.
  - 3. The maximum permitted building height and the minimum permitted floor area requirements shall be the same as those normally applicable to other dwellings in the zoning district in which the property is located.
  - 4. The dwelling units permitted may be detached, semi-detached or attached structures, provided there shall be no more than six dwelling units in any single structure.



5. **Open Space Requirements.**
  - a. Cluster development subdivisions shall be designed to save as much of the natural open space as feasible, but in no case shall the open space be less than 25% of the gross site area.
  - b. Conservation open space ownership and control shall be only by one of the following:
    - i. As part of an individual, private lot with recorded open space covenants running with the land.
    - ii. By the City of Menifee, as legally dedicated to and approved by the City Council.
    - iii. By the Western Riverside County Resource Conservation Authority.
    - iv. By a qualified nonprofit conservation organization as deemed acceptable by the City.
  - c. Conservation open space does not include public or private streets, driveways, parking areas, channelized drainage ways and disturbed, unvegetated areas.
6. In addition to compliance with any special standards, requirements and procedures as set forth in this chapter, cluster development subdivisions shall also be subject to review and public hearing by the Planning Commission in accordance with the same procedures as would otherwise be applicable to conventional subdivisions.
7. Upon the filing of the subdivision map in the office of the County Clerk, a copy shall be required to be filed with the City Clerk, who shall make the appropriate notations and references thereto on the official copy of the Zoning Map.

## **Chapter 9.175 Dedications and Improvements**

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### **Contents:**

- 9.175.010 Purpose
- 9.175.020 Applicability
- 9.175.030 Project Review and Permit Requirements
- 9.175.040 General Dedication and Improvement Requirements
- 9.175.050 Single-Family Residential Dedication and Improvement Requirements
- 9.175.060 Multi-Family, Commercial and Industrial Dedication and Improvement Requirements
- 9.175.070 Delay, Deferral or Waiver of Street Dedications and Improvements

### **9.175.010 Purpose**

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The purpose of this chapter is to outline procedures to comply with the City's requirements for dedications and improvements for non-subdivision projects. In addition, this chapter identifies procedures for granting a delay, deferral or waiver for required street dedications and improvements.

### **9.175.020 Applicability**

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The standards contained in this chapter shall apply to the following:

- A. **New Uses and Buildings.** All new buildings constructed and all uses established after the effective date of this ordinance shall provide street dedications and improvements as required by this chapter.
- B. **Existing or Modified Uses and Buildings.** Modified uses or buildings which would result in an increase or change in vehicular and/or pedestrian traffic, street dedications and improvements shall be provided as required by the chapter. Additions or renovations that exceed 650 sq. ft. shall provide street dedications and improvements as required by this chapter.

- C. Exceptions. The requirements of this chapter for street dedications and/or improvements may be delayed, deferred, or waived in accordance with the procedures set forth in Section 9.175.070 (Delay, or Deferral or Waiver of Street Dedications and Improvements).

### **9.175.030 Project Review and Permit Requirements**

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Street dedication and improvement requirements, as well as other potential off-site improvements, shall be imposed during review of any permit for a ministerial or discretionary approval for development projects. Additional approvals may need to be obtained prior to work commencing for street improvements in the public right-of-way, including obtaining an encroachment permit.

### **9.175.040 General Dedication and Improvement Requirements**

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- A. Prior to the issuance of a Certificate of Occupancy for any building, any new construction and associated improvements shall be subject to the requirements of this chapter. The City Public Works Director or City Engineer shall review development and associated improvements to determine the following:
1. That all of the required dedications have been provided, as required by the approved development plans.
  2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City in an amount equal to the estimated cost of the street improvements has been posted with the City to ensure the installation of said street improvements.
  3. In the event a property owner does not commence and complete the improvements within the time period required by the City Engineer, or construct the improvements to city standards, the City shall have the right to forthwith commence and/or complete the improvements and be reimbursed for the cost thereof.
- B. The requirements imposed by this chapter to either construct street improvements or pay a local or citywide street improvement impact fee may be deferred if the property owner applies for, and receives authorization to enter into, a deferral agreement with the City, in accordance with Section 9.175.070 (Deferral or Waiver of Street Dedications and Improvements).
- C. The applicant of the building permit shall do all grading necessary to install the improvements and shall at their own expense relocate or remove all structures, utilities, trees, irrigation lines and other objects within the right-of-way which interfere with the installation of the improvements.
- D. Where additional street or alley right-of-way is required in order to properly align the required improvements with the existing or planned improvements on the same block frontage, the applicant shall dedicate the necessary right-of-way, provided that the requirement for dedication shall only apply for construction of new buildings and shall not apply to an addition or renovation of an existing structure unless the renovation or addition create an increase in traffic that warrants the offsite improvement.
- E. Where existing driveway depressions or approaches are abandoned or are not required for access to the property due to proposed improvements, they shall be removed and replaced with adequate curb, gutter and sidewalk that meet City standards.

### **9.175.050 Single-Family Residential Dedication and Improvement Requirements**

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Except as delayed or deferred pursuant to 9.175.070 below:



- A. **New Single-Family Residence.** Property owners that construct a new single-family residence(s) or new accessory dwelling unit(s) shall be responsible for the construction of required improvements along the street frontage of their lot.
- B. **Expanded Single-Family Residence.** Property owners that construct an addition(s) or renovate an existing structure(s) that exceed 650 square feet shall be responsible for the construction of required improvements along the street frontage of their lot.
- C. **Exception.** For any project for which Planning Commission or City Council approval is required, the approving authority shall have the discretion to either require the construction of street improvements, require the payment of the applicable street improvement impact fee or defer/waive such improvement subject to an executed deferral or waiver agreement between the City and the responsible party.

### **9.175.060 Multi-Family, Commercial and Industrial Dedication and Improvement Requirements**

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Except as delayed or deferred pursuant to 9.175.070 below:

Property owners constructing a new multi-family, commercial or industrial building; or changing the use of an existing building, shall be responsible for the construction of required improvements along the street frontage(s) of their lot. Improvements shall include, but may not be limited to, concrete curb and gutter, street lighting, parkway landscaping, trails, as well as sidewalks, constructed consistent with City standards. Offsite improvements may also be required.

### **9.175.070 Delay, Deferral or Waiver of Street Dedications and Improvements**

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- A. **Request for Deferral or Waiver.** Request for a deferral or waiver of any requirement for street dedication and/or street improvement may be made to the City Manager, who shall have the authority to defer or waive any of the requirements subject to an executed deferral or waiver agreement between the City and the responsible party if the City Manager finds the following conditions stated in Section 9.175.070.C
  - 1. **Exception.** For any project for which Planning Commission or City Council approval is required, the approving authority shall have the discretion to either require the construction of street improvements, require the payment of the applicable street improvement impact fee or defer/waive such improvement subject to an executed deferral or waiver agreement between the City and the responsible party.
- B. **Conditions of Approval.** In approving a request for deferring, delaying or waiving public improvements, the approving authority shall impose reasonable and appropriate conditions in order to achieve the purposes of this development code, ensure consistency with the goals and policies of the General Plan and justify making the necessary findings. Conditions shall include but are not limited to the following:
  - 1. **Delayed Improvements – Bonding.** Where it is impractical to dedicate right-of-way and/or complete installation of street improvements prior to occupancy or commencement of a use subject to these requirements, an agreement in writing shall be entered into with the City to make such improvements. Additionally, a cash deposit, a surety bond, an irrevocable letter of credit or such other form of surety as may be acceptable to the City, in an amount equal to 130% of the estimated cost of the improvements, shall be posted with the Public Works and Engineering Department in lieu thereof to guarantee the installation of such improvement. In that event, the actual installation of street improvements may be delayed until a time certain as identified in the agreement or upon written demand by the City. If surety bonds are submitted, they shall be furnished by a surety company authorized to write such bonds in the state of California.

2. **Written Agreement Required.** Prior to deferring any improvement requirement, a written agreement from the applicant shall be required, agreeing to participate in any street improvement program for the area in which the property is located, whether privately or publicly initiated. If approved by the City Council on appeal, any such deferral agreement shall be executed by the City Manager on behalf of the City. This agreement shall be recorded with the County Recorder.
- C. **Findings for Approval.** Prior to deferring or delaying any dedication or improvement requirement as prescribed by this chapter, the approving authority shall make both of the following findings:
  1. The strict application of the particular requirement will cause unnecessary hardship to the applicant.
  2. There are exceptional circumstances or conditions applicable to the subject property, or to its proposed use or development which makes the application of the requirement unfair and oppressive to the applicant.
  3. The granting of a deferral or waiver from such requirement would not adversely affect the public health, safety, or general welfare, nor be detrimental to any property or improvements in the immediate vicinity of the property.
  4. That the improvements being deferred or delayed do not postpone improvements which are a necessary prerequisite to the use and orderly development of the surrounding area.
- D. **Appeals.** Any action by the City Manager or Planning Commission pertaining to a request to defer public improvements may be appealed to the City Council in accordance with Section 9.30.100 (Appeals).

## **Chapter 9.180 Density Bonuses, Incentives, and Concessions**

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### **Contents:**

- 9.180.010 Purpose
- 9.180.020 Applicability
- 9.180.030 Eligibility for Density Bonus and Incentives
- 9.180.040 Application and Required Fees
- 9.180.050 Effect of Proposal for Waiver or Reduction of Development Standards
- 9.180.060 Density Bonus Allowance for Housing Development with Affordable Housing Component
- 9.180.070 Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility
- 9.180.080 Density Bonus for Senior Citizen Housing Development
- 9.180.090 Density Bonus for Housing Development with Affordable Housing Component for Transitional Foster Youth, Disabled Veterans, or Homeless Persons
- 9.180.100 Density Bonus for Student Housing Development with Affordable Housing Component
- 9.180.110 Density Bonus for Land Donations
- 9.180.120 Affordable Housing Incentives
- 9.180.130 Number of Incentives Granted
- 9.180.140 Criteria for Denial of Application for Incentives
- 9.180.150 Waiver or Modification of Development Standards
- 9.180.160 Parking Standard Modifications for Qualified Housing Developments
- 9.180.170 Density Bonus and Affordable Housing Incentive Program
- 9.180.180 Determination on Density Bonus and Affordable Housing Incentive Program Requirements



- 9.180.190 Affordable Housing Agreement and Equity Sharing Agreement
- 9.180.200 Density Bonus or Incentives for Condominium Conversion Projects
- 9.180.210 Enforcement Provisions

### **9.180.010 Purpose**

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This chapter implements the statutory requirements set forth in Government Code Sections 65915–65918 (known as state density bonus law). To the extent practicable, the citation to the governing statutory provision is included next to the implementing ordinance section. If any provision of this chapter conflicts with state law, the latter shall control. Applicable statutes should be consulted for amendments prior to applying the ordinance provision.

### **9.180.020 Applicability**

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The density bonuses, incentives and concessions contained in this chapter shall apply to housing developments eligible for a density bonus under state density bonus law. When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the City’s jurisdiction that meets the requirements set out in California Government Code Section 65915, the actions and procedures set out in this chapter shall apply. The burden is on the applicant to show that the housing development meets such requirements. The density bonus provisions of California Government Code Section 65915 et seq., as may be amended from time to time, are incorporated by reference into this chapter. The City reserves the right to review applications for a density bonus in accordance with state density bonus law.

### **9.180.030 Eligibility for Density Bonus and Incentives**

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- A. Density bonuses are available to affordable housing developers in accordance with this chapter for the following:
  - 1. Housing developments which include a minimum affordable housing component (Section 9.180.060 and Section 9.180.070.A).
  - 2. Housing developments which include a minimum affordable housing component and a childcare facility (Section 9.215.070).
  - 3. Senior citizen housing developments (Section 9.180.080).
  - 4. Housing development which include a minimum affordable housing component for transitional foster youth, disabled veterans, or homeless persons (Section 9.180.090).
  - 5. Student housing developments which include a minimum affordable housing component (Section 9.180.X).
  - 6. Land donations for very low-income housing (Section 9.215.090).
- B. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels (Government Code Section 65915(i)).

### **9.180.040 Application and Required Fees**

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- A. Application Filing and Processing. When an applicant seeks a density bonus for a housing development that meets the criteria in Section 9.180.060, the affordable housing developer shall comply with all the following requirements:



1. File an application for a density bonus in accordance with this section that includes a minimum affordable housing component, whether or not the project also requires or has been granted a conditional use permit or other permits or approvals (Government Code Section 65915(d)(1)).
  2. State in the application the specific minimum affordable housing component proposed for the housing development (Government Code Section 65915(b)(2)).
  3. Enter into an agreement with the City or its designee pursuant to Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement) to maintain and enforce the affordable housing component of the housing development (Government Code Section 65915(c)).
- B. Application Fees. Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).
1. If an application for a density bonus requires an unusual amount or specialized type of study or evaluation by City staff, consultant or legal counsel, City staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the City Council decides the application, City staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant, and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

**9.180.050 Effect of Proposal for Waiver or Reduction of Development Standards**

A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Government Code Section 65915(d).

**9.180.060 Density Bonus Allowance for Housing Development with Affordable Housing Component**

- A. If the requirements of Section 9.180.030 (Eligibility for Density Bonus and Incentives) are met, the affordable housing developer is entitled to a density bonus pursuant to Government Code Section 65915(f) as shown in Table 9.180.060-1, Density Bonus Allowance for Housing Development Projects with Affordable Housing Component.

Table 9.180.060-1 Density Bonus Allowance for Housing Development Projects with Affordable Housing Component					
Household Income Category	Minimum Percentage of Affordable Units	Minimum Density Bonus	Additional Density Bonus for Each 1% Increase in Affordable Units	Maximum Percentage of Affordable Units	Maximum Possible Density Bonus
<b>Affordable Housing Development</b>					
Very Low Income	5%	20%	2.50%	11%	35%
Low Income	10%	20%	1.50%	20%	35%
Moderate Income (Common Interest Developments)	10%	5%	1%	40%	35%

- B. As demonstrated in Table 9.180.060-1, the amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable units offered by the applicant exceeds the percentage of the minimum affordable housing component; the applicant may also elect to accept a lesser percentage of density bonus (Government Code Section 65915(f)).
- C. All density calculations resulting in fractional units shall be rounded up to the next whole number (Government Code Section 65915(f)(5)).

### **9.180.070 Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility**

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- A. Criteria. For a density bonus to be granted pursuant to Subsection 9.180.070.B relative to a minimum affordable housing component with a childcare facility in a housing development, all of the following shall be satisfied:
  - 1. The development complies with Section 9.180.030 (Government Code Section 65915(h)(1)).
  - 2. The housing development includes a childcare facility that will be located on the premises of, as part of, or adjacent to the housing development (Government Code Section 65915(h)(1)).
  - 3. Approval of the housing development is conditioned to ensure that both of the following occur:
    - a. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to Section 9.180.190 (Government Code Section 65915(h)(2)(A)).
    - b. Of the children who attend the childcare facility, the children of very low-income households, low-income households, or moderate-income households shall constitute a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective minimum affordable housing component income category for which the density bonus is sought (Government Code Section 65915(h)(2)(B)).
  - 4. The City is authorized not to provide a density bonus as provided in this section upon substantial evidence that the community has adequate childcare facilities (Government Code Section 65915(h)(3)).
- B. Density Bonus Allowance. If the requirements of Subsection 9.180.070.A are met, an applicant for a housing development with an affordable housing component and childcare facility is entitled to:
  - 1. A density bonus pursuant to Section 9.180.060 (Density Bonus Allowance for Housing Development with Affordable Housing Component); and
  - 2. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility (Government Code Section 65915(h)(1)(A)).

### **9.180.080 Density Bonus for Senior Citizen Housing Development**

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An applicant for a senior citizen housing development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5 is entitled to a density bonus of 20% of the number of senior citizen housing development units, up to a maximum of 50% (Government Code Section 65915(b)(1)(C)&(f)(3)).

### **9.180.090 Density Bonus for Housing Development with Affordable Housing Component for Transitional Foster Youth, Disabled Veterans, or Homeless Persons**

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An applicant for a housing development which includes a minimum affordable housing component provided at the same affordability level as very low income units and limits residency for that component to individuals qualifying as transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) is entitled to a density bonus of 20% of the number of units set aside for transitional foster youth, disabled veterans, and homeless persons (Government Code Section 65915(b)(1)(e)&(f)(3)).

### **9.180.100 Density Bonus for Student Housing Development with Affordable Housing Component**

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- A. **Criteria.** For a density bonus to be granted pursuant to Subsection 9.180.100.C relative to a student housing development with minimum affordable housing component, all of the following shall be satisfied.
  - 1. The rent provided in the applicable units of the development for lower income students is calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type (Government Code section 65915(b)(1)(f)(III)).
  - 2. The housing development gives priority to lower income students experiencing homelessness (Government Code section 65915(b)(1)(f)(IV)).
  - 3. The housing development includes a minimum affordable housing component for lower income students as defined by Government Code section 65915(b)(1)(f)(II).
  - 4. The development complies with Section 9.180.030 (Government Code Section 65915(b)(1)(f)(I)).
- B. **Unit.** For purposes of calculating a density bonus pursuant to this section, the term “unit” as used in this section means one rental bed and its pro rata share of associated common area facilities.
- C. **Density Bonus Allowance.** If the requirements of Subsection 9.180.070.A are met, an applicant for a student housing development with an affordable housing component is entitled to a density bonus of 35% of the number of student housing units. (Government Code section 65915(f)(3)).

### **9.180.110 Density Bonus for Land Donations**

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- A. **Criteria.** For a density bonus for a qualified land donation to be granted pursuant to Section 9.180.110.B, all the requirements of this section shall be met.
  - 1. The applicant is applying for a tentative subdivision map, parcel map or other residential development approval (Government Code Section 65915(g)(1)).
  - 2. The application includes at least a 10% minimum affordable housing component for very low-income households (Government Code Section 65915(g)(1)).
  - 3. The applicant agrees to donate and transfer qualified land, which is land that meets both the following criteria:
    - a. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of units affordable to very low-income households in an amount equal to not less than 10% of the number of residential units of the proposed development pursuant to Section 8116-2.5.1(a) (Government Code Section 65915(g)(2)(B)).
    - b. The transferred land shall be at least 1 acre in size or of sufficient size to permit development of at least 40 units, have the appropriate General Plan land use designation, be appropriately zoned with appropriate development standards for development at the density described in Government Code



Section 65583.2(c)(3), and be or will be served by adequate public facilities and infrastructure (Government Code Section 65915(g)(2)(C)).

4. The qualified land shall be transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to an approved housing developer (Government Code Section 65915(g)(2)(F)).
  5. The qualified land has all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing affordable units on the qualified land, not later than the date of approval of the final subdivision map, parcel map or residential development application filed. However, the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the City prior to the time of transfer (Government Code Section 65915(g)(2)(D)).
  6. The qualified land shall be donated and transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application (Government Code Section 65915(g)(2)(A)).
  7. The qualified land and the affordable units are subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.180.070 (Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility), which must be recorded against the qualified land at the time of the transfer (Government Code Section 65915(g)(2)(E)).
  8. The qualified land is within the boundary of the proposed development or, if the City agrees, within 0.25 mile of the boundary of the proposed development (Government Code Section 65915(g)(2)(G)).
  9. A proposed source of funding for the very low-income household units shall be identified no later than the date of approval of the final subdivision map, parcel map or residential development application (Government Code Section 65915(g)(2)(H)).
- B. Density Bonus Allowance for Qualified Land Donation for Very Low-Income Housing. If the requirements of Section 9.180.110.A are satisfied, the applicant shall be entitled to at least a 15% increase above the otherwise maximum allowable residential density for the entire development, as shown in Table 9.180.110-1, Density Bonus Allowances for Qualified Land Donation Projects (Government Code Section 65915(g)(1)).

Household Income Category	Minimum Percentage of Very Low-Income Units	Density Bonus	Additional Density Bonus for Each 1% Increase in Very Low-Income Units	Maximum Possible Density Bonus
Very Low Income	10% of entire development	15%	1%	50% (max. combined)

- C. All density calculations resulting in fractional units shall be rounded up to the next whole number (Government Code Section 65915(g)(2)).

### **9.180.120 Affordable Housing Incentives**

- A. Government Code Subsections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives.



- B. Qualifications for Incentives.** Subject to Section 9.215.100 (Criteria for Denial of Application for Incentives), all of the following applicable requirements must be satisfied in order for an applicant to be granted an incentive(s) pursuant to this subsection and Section 9.215.090 (Number of Incentives Granted):
1. The applicant for an incentive is also an applicant for a density bonus and qualify for a density bonus pursuant to Section 9.215.030 (Government Code Section 65915(d)(1)).
  2. A specific written proposal for an incentive(s) has or will be submitted with the application for density bonus (Government Code Section 65915(b)(1) and (d)(1)).
  3. If an incentive(s) pursuant to Sections 9.215.100 and 9.215.090 is sought, the applicant shall establish that each requested incentive would result in identifiable, financially sufficient and actual cost reductions for the qualified housing development (Government Code Section 65915(k)(1) and (3)).
  4. If an incentive(s) pursuant to Subsection 9.215.100.B(2) is sought, the applicant shall establish that the requirements of that section are met (Government Code Section 65915(k)(2)).
  5. If an additional incentive for a childcare facility is sought pursuant to Subsection 9.215.090.B, the applicant shall establish that the requirements of that section are met (Government Code Section 65915(h)(1)(B)).
  6. The granting of an incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval (Government Code Section 65915(j)). An incentive is applicable only to the project for which it is granted. An applicant for an incentive may request a meeting with the Community Development Director and, if requested, the Community Development Director will meet with the applicant to discuss the proposal (Government Code Section 65915(d)(1)).
- C. Types of Incentives.** For the purposes of this chapter, incentive means any of the following:
1. A reduction in site development standards or a modification of development code requirements or design guidelines that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient and actual cost reductions (Government Code Section 65915(k)(1)).
  2. Approval of mixed-use zoning in conjunction with the qualified housing development if commercial, office, industrial or other land uses will reduce the cost of the qualified housing development and if the commercial, office, industrial or other land uses are compatible with the qualified housing development and the existing or planned development in the area where the proposed qualified housing development will be located (Government Code Section 65915(k)(2)).
  3. Other regulatory incentives proposed by the affordable housing developer or the City that result in identifiable, financially sufficient and actual cost reductions (Government Code Section 65915(k)(3)).
- D. Direct Incentives Allowed.** Nothing in this section limits or requires the provision of direct financial incentives by the City for the qualified housing development, including the provision of publicly owned land, or the waiver of fees or dedication requirements (Government Code Section 65915(l)).

### **9.180.130 Number of Incentives Granted**

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- A.** Subject to Section 9.180.140 (Criteria for Denial of Application for Incentives), an applicant meeting the requirements of Subsection 9.180.120.A shall receive the following number of incentives described below and as shown in Table 9.180.130-1, Incentive Allowances for Qualified Housing Developments.





1. One incentive for qualified housing development projects that include at least 5% of the total units for very low-income households, at least 10% for low-income households, or at least 10% for persons and families of moderate-income households in a common interest development (Government Code Section 65915(d)(2)(A)).
  2. Two incentives for qualified housing development projects that include at least 10% of the total units for very low-income households, at least 20% for low-income households, or at least 20% for persons and families of moderate-income households in a common interest development (Government Code Section 65915(d)(2)(B)).
  3. Three incentives for qualified housing development projects that include at least 15% of the total units for very low-income households, at least 30% for low-income households, or at least 30% for persons and families of moderate-income households in a common interest development (Government Code Section 65915(d)(2)(C)).
- B. A qualified housing development proposal that includes a childcare facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility (Government Code Section 65915(h)(1)(B)).

Table 9.180.130-1 Incentive Allowances for Qualified Housing Developments			
Income Category	Minimum Percentage of Affordable Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Common Interest Development (Moderate Income)	10%	20%	30%
Incentives Allowed	1	2	3

**9.180.140 Criteria for Denial of Application for Incentives**

- A. Except as otherwise provided in this chapter or by state law, if the requirements of Subsection 9.215.100.A are met, the City shall grant the incentive(s) that are authorized by Subsection 9.215.100.B and Section 9.215.090 unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the City may refuse to grant the incentive(s):
1. The incentive is not required in order to provide affordable housing costs or affordable rents for the affordable units subject to the qualified housing development application (Government Code Section 65915(d)(1)(A)).
  2. The incentive would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households (Government Code Section 65915(d)(1)(B); Government Code Section 65915 (d)(3)).
  3. The incentive would be contrary to state or federal law (Government Code Section 65915(d)(1)(C)).
  4. The City is authorized not to provide a density bonus as provided in this section upon substantial evidence that the community has adequate childcare facilities (Government Code Section 65915(h)(3)).

**9.180.150 Waiver or Modification of Development Standards**

- A. Requirements for Waiver or Modification of Development Standards.

1. **Application.** To qualify for a waiver or reduction of one or more development standards, the applicant shall submit a written application (together with an application for a qualified housing development) that states the specific development standard(s) sought to be modified or waived and the basis of the request (Government Code Section 65915(e)(1)). An applicant for a waiver or modification of development standard(s) pursuant to this Section may request a meeting with the Community Development Director to review the proposal. If requested, the Community Development Director shall meet with the applicant (Government Code Section 65915(e)(1)). An application for the waiver or reduction of development standard(s) pursuant to this Section shall neither reduce nor increase the number of incentives to which the applicant is entitled pursuant to Section 9.215.100 (Government Code Section 65915(e)(2)).
2. **Findings.** All of the following findings must be made for each waiver or reduction requested:
  - a. The development standard for which a waiver or reduction is requested will have the effect of physically precluding the construction of the proposed qualified housing development at the densities or with the incentives permitted under this chapter (Government Code Section 65915(e)(1)).
  - b. The requested waiver or reduction of a development standard will not have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the health, safety and/or physical environment or, if such a specific, adverse impact exists, there is a feasible method to satisfactorily mitigate or avoid the specific, adverse impact (Government Code Section 65915(e)(1)).
  - c. The requested waiver or reduction of a development standard will not have an adverse impact on any real property that is listed in the California Register of Historical Resources (Government Code Section 65915(e)(1)).
  - d. The requested waiver or reduction of a development standard is not contrary to state or federal law (Government Code Section 65915(e)(1)).
3. **Granting Application for Waiver or Modification of Development Standards.** If the requirements of Subsection 9.180.150.A are satisfied, the application for waiver or modification of development standard(s) shall be granted, and the City shall not apply a development standard that will have the effect of physically precluding the construction of a qualified housing development at the densities or with the incentives permitted by this chapter (Government Code Section 65915(e)(1)).

### **9.180.160 Parking Standard Modifications for Qualified Housing Developments**

- A. **Requirements for Parking Standard Modifications.** Parking standard modifications pursuant to Subsection 9.180.160.B are available only for qualified housing developments. An application for parking standard modifications stating the specific modification requested pursuant to Subsection 9.180.160.B shall be submitted with the qualified housing development application (Government Code Section 65915(p)(3)).
- B. **Parking Standard Modifications.** If the requirements of Subsection 9.180.160.A are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following per unit ratios (Government Code Section 65915(p)(1)), except where noted under Subsection 9.180.160.C (Exceptions):
  1. Zero to one bedroom: 1 on-site parking space
  2. Two to three bedrooms: 2 on-site parking spaces
  3. Four and more bedrooms: 2.5 on-site parking spaces



- C. Exceptions. Upon the applicant's request, the following maximum parking standards shall apply, inclusive of handicap and guest parking, to the entire housing development subject to this chapter, as required by Government Code Section 65915(p)(2):
1. A maximum of 0.5 parking spaces per bedroom, when all the following conditions apply:
    - a. The development includes the maximum percentage of low- or very low-income units as established in Section 9.180.060 (Density Bonus Allowance for Housing Development with Affordable Housing Component).
    - b. The development is located within 0.5 miles of a major transit stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code.
    - c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.
  2. A maximum of 0.5 parking spaces per unit, when all the following conditions apply:
    - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.
    - b. The development is located within 0.5 miles of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
    - c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.
  3. A maximum of 0.5 parking spaces per unit, when all the following conditions apply:
    - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.
    - b. The development is for individuals who are 62 years of age or older and complies with Sections 51.2 and 51.3 of the Civil Code.
    - c. The development has either paratransit service or unobstructed access, within 0.5 miles, to fixed bus route service that operates at least eight times per day.
  4. A maximum of 0.3 parking spaces per unit, when all the following conditions apply:
    - a. The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Section 50052.5 of the Health and Safety Code.
    - b. The development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code.
    - c. The development has either paratransit service or unobstructed access, within 0.5 miles, to fixed bus route service that operates at least eight times per day.
- D. If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, "on-site parking" may be provided through tandem parking or uncovered parking, but not through on-street parking (Government Code Section 65915(p)(2)).
- E. Except as otherwise provided in this section, all other provisions of Chapter 9.215 (Off-Street Parking and Loading) applicable to residential development apply.



- F. An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to Section 9.180.120 (Government Code Section 65915(p)(3)).
- G. Notwithstanding allowances in Subsection 9.180.160.C, if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last 7 years, the City may impose a higher vehicular parking ratio not to exceed the ratio described in Subsection 9.180.160.B, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio (California Government Code Section 65915(p)(7)).

### **9.180.170 Density Bonus and Affordable Housing Incentive Program**

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- A. **Project Design and Phasing.** Projects seeking an affordable housing benefit pursuant to this chapter shall comply with the following requirements, unless otherwise specified in writing by the Community Development Director:
  - 1. **Location/Dispersal of Units.** Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the market-rate units.
  - 2. **Phasing.** If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of affordable units and market-rate units.
  - 3. **Exterior Appearance.** The exterior appearance and quality of the affordable units must be similar to the market-rate units. The exterior materials and improvements of the affordable units must be similar to, and architecturally compatible with, the market-rate units.
- B. **Application Requirements.** An application for one or more affordable housing benefits shall be submitted as follows:
  - 1. Each affordable housing benefit requested shall be specifically stated in writing on the application form provided by the City.
  - 2. The application shall include the information and documents necessary to establish that the requirements of this chapter are satisfied for each affordable housing benefit requested, including:
    - a. For density bonus requests, that the requirements of Section 9.180.030 are met;
    - b. For incentive requests, that the requirements of Section 9.180.120 are met;
    - c. For development standard waiver or modification requests, that the requirements of Section 9.180.150 are met; and/or
    - d. For parking standard modification requests, that the requirements of Section 9.180.160 are met.
  - 3. The application shall be submitted concurrently with a complete application for a qualified housing development.
  - 4. The application shall include a site plan that complies with and includes the following:
    - a. For senior citizen housing development projects, the number and location of proposed total units and density bonus units.
    - b. For all qualified housing development projects other than senior citizen housing development projects, the number and location of proposed total units, affordable units and density bonus units.



The density bonus units shall be permitted in geographic areas of the qualified housing development other than the areas where the affordable units are located (Government Code Section 65915(i)).

- c. The location, design and phasing criteria required by Subsection 9.180.170.A, including any proposed development standard(s) modifications or waivers pursuant to Section 9.180.150.
  5. The application for a qualified housing development shall state the level of affordability of the affordable units and include a proposal for compliance with Section 9.180.190 for ensuring affordability.
  6. If a density bonus is requested for a qualified land donation pursuant to Section 9.180.110, the application shall show the location of the qualified land in addition to including sufficient information to establish that each requirement in Section 9.180.110 has been met.
  7. If an additional density bonus or incentive is requested for a childcare facility pursuant to Section 9.180.070 and/or Subsection 9.180.130.B, the application shall show the location and square footage of the childcare facility in addition to including sufficient information to establish that each requirement in Section 9.180.070 and/or Subsection 9.180.130.B has been met.
- C. An application for an affordable housing benefit under this chapter shall not be processed until all of the provisions of this section are complied with as determined by the Community Development Director and shall be processed concurrently with the application for the qualified housing development project for which the affordable housing benefit is sought. Prior to the submittal of an application for a qualified housing development, an applicant may submit to the Community Development Director a preliminary proposal for affordable housing benefits. The Community Development Director shall, within 90 days of receipt of a written proposal, notify the applicant of the Community Development Director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Community Development Director's preliminary response.
- D. The Community Development Director shall provide the applicant with written notice as to whether the application is deemed complete in accordance with Section 9.30.060.

### **9.180.180 Determination on Density Bonus and Affordable Housing Incentive Program Requirements**

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The decision-making body for the underlying qualified housing development application is authorized to approve or deny an application for an affordable housing benefit in accordance with this chapter.

- A. **Affordable Housing Benefit Determinations.** An application for an affordable housing benefit shall be granted if the requirements of this chapter are satisfied unless:
1. The application is for an incentive for which a finding is made in accordance with Section 9.215.100; or
  2. The underlying application for the qualified housing development is not approved independent of and without consideration of the application for the affordable housing benefit.
- B. **Affordable Housing Benefit Compliance Provisions.** To ensure compliance with this chapter and state law, approval of an application for an affordable housing benefit may be subject to, without limitation:
1. The imposition of conditions of approval to the qualified housing development, including imposition of fees necessary to monitor and enforce the provisions of this chapter;
  2. An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 9.215.170; and



3. A recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.
- C. A decision regarding an affordable housing benefit application is subject to the appeal provisions of Section 9.30.100 (Appeals).

### **9.180.190 Affordable Housing Agreement and Equity Sharing Agreement**

- A. **General Requirements.** No density bonus pursuant to Section 9.215.030 (Eligibility for Density Bonuses and Incentives) shall be granted unless and until the affordable housing developer, or its designee approved in writing by the Community Development Director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the City or its designee pursuant to and in compliance with this section (Government Code Section 65915(c)). The agreements shall be in the form provided by the City, which shall contain terms and conditions mandated by, or necessary to implement, state law and this chapter. The Community Development Director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the City. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the qualified housing development does not include a map, prior to issuance of a building permit for any structure on the site. The Community Development Director is hereby authorized to enter into the agreements authorized by this section on behalf of the City upon approval of the agreements by the City Attorney for legal form and sufficiency.
- B. **Low- or Very Low-Income Minimum Affordable Housing Component or Senior Citizen Housing Development.**
  1. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units shall enter into an agreement with the City to maintain the continued affordability of the affordable units for 55 years (for rental units) or 30 years (for for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program, as follows (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall, among other things, specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions.
  2. **Rental Units.** Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 9.215.030 shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent as defined in California Health and Safety Code Section 50053. The agreement shall require that owner-occupied units be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
  3. **For-Sale Units.** Owner-occupied low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 9.215.030 shall be available at an affordable housing cost (Government Code Section 65915(c)(1)). The affordable housing developer of a qualified housing development based upon a very low- or low-income minimum affordable component shall enter into an equity sharing agreement with the City or the master or non-affordable housing developer. The agreement shall be between the City and the buyer or between developer and the buyer if the developer is the seller of the unit. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government



Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:

- a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
  - b. For purposes of this section, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the very low-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value.
  - c. For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.
4. Senior Units. At least 35 senior citizen housing development units shall be maintained and available for rent or sale to senior citizens as defined in Civil Code Section 51.3.
- C. Moderate Income Minimum Affordable Housing Component.
1. The affordable housing developer of a qualified housing development based upon the inclusion of moderate-income affordable units in a common interest development shall enter into an agreement with the City ensuring that:
    - a. The initial occupants of the moderate-income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate-income household.
    - b. The units are offered at an affordable housing cost (Government Code Section 65915(c)(2)).
    - c. The affordable housing developer of a qualified housing development based upon a moderate-income minimum affordable component shall enter into an equity sharing agreement with the City or the master or non-affordable housing developer (Government Code Section 65915(c)(2)). The agreement shall be between the City and the buyer or between the developer and the buyer if the developer is the seller of the unit. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
      - d. Upon resale, the seller of the unit shall retain the value of improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote homeownership (Government Code Section 65915(c)(2)(A)).
      - e. The City's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value (Government Code Section 65915(c)(2)(B)).

- f. The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale (Government Code Section 65915(c)(2)(C)).
- D. **Minimum Affordable Housing Component and Childcare Facility.** If an additional density bonus or incentive is granted because a childcare facility is included in the qualified housing development, the affordable housing agreement shall also include the affordable housing developer's obligations pursuant to Subsection 9.215.070.A(3) for maintaining a childcare facility, if not otherwise addressed through conditions of approval.

### **9.180.200 Density Bonus or Incentives for Condominium Conversion Projects**

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- A. **Requirements for Density Bonus or Incentive for Condominium Conversion Projects.**
  - 1. An applicant requesting the conversion of apartments to a condominium project agrees to provide at least:
    - a. 33% of the total units of the proposed condominium project to persons and families of moderate-income households; or
    - b. 15% of the total units of the proposed condominium project to persons and families of low-income households.
  - 2. If the applicant agrees to pay for the reasonably necessary administrative costs incurred by the City pursuant to this section, the City shall either:
    - a. Grant a density bonus; or
    - b. Provide other incentives of equivalent financial value (Government Code Section 65915.5(a)).
- B. **Definition of Density Bonus for Condominium Conversion Projects.** If the requirements of Subsection 9.215.180.A are met, the condominium conversion project will be entitled to an increase in units of 25% over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums (Government Code Section 65915.5(b)).
- C. **Pre-submittal Preliminary Proposals for Density Bonus or Incentive for Condominium Conversion Projects.** Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert apartments to a condominium project may submit to the Community Development Director a preliminary proposal for density bonus or other incentives of equivalent financial value. The Community Development Director shall, within 90 days of receipt of a written proposal, notify the applicant of the Community Development Director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Community Development Director's preliminary response (Government Code Section 65915.5(d)).
- D. **Application for Density Bonus or Incentives for Condominium Conversion Projects.** An applicant shall submit a completed application provided by the City for a density bonus or for other incentives of equivalent financial value. The application shall be submitted concurrently with the application for the condominium conversion project. The application shall include the following:
  - 1. All information and documentation necessary to establish that the requirements of Subsection 9.215.180.A are met.
  - 2. The proposal for a density bonus or the proposal for other incentives of equivalent financial value.
  - 3. Site plans demonstrating the location of the units to be converted, the affordable units, the market-rate units and the density bonus units in the condominium conversion project.



4. Any other information and documentation requested by the City to determine if the requirements of Subsection 9.215.180.A are met.

Both the application for a density bonus or other incentives of equivalent financial value and the application for the condominium conversion shall be complete before the application for a density bonus or other incentives of equivalent financial value will be considered.

E. Granting Density Bonus or Incentive for Condominium Conversion Projects.

1. Approval.

- a. If the requirements of Subsection 9.215.180.A are met, the decision-making body for the condominium conversion project application is authorized to grant an application for a density bonus or other incentives of equivalent financial value, subject to Subsection 9.215.180.E(2).
  - b. Reasonable conditions may be placed on the granting of a density bonus or other incentives of equivalent financial value that are found appropriate, including but not limited to entering into an affordable housing agreement pursuant to Section 9.215.170 (Affordable Housing Agreement and Equity Sharing Agreement), which ensures continued affordability of units to subsequent purchasers who are persons and families of moderate-income households or low-income households (Government Code Section 65915.5(a)).
2. Ineligibility. An applicant shall be ineligible for a density bonus or other incentives of equivalent financial value if the apartments proposed for conversion constitute a qualified housing development for which a density bonus as defined in Section 9.215.030 (Eligibility for Density Bonuses and Incentives) or other incentives were provided (Government Code Section 65915.5(f)).
  3. Decision on Condominium Conversion Project. Nothing in this section shall be construed to require the City to approve a proposal to convert apartments to condominiums (Government Code Section 65915.5(e)).

### **9.180.210 Enforcement Provisions**

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- A. Occupancy. Prior to occupancy of an affordable unit, the household's eligibility for occupancy of the affordable unit shall be demonstrated to the City. This provision applies throughout the restricted time periods pursuant to Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement) and applies to any change in ownership or tenancy, including subletting, of the affordable unit.
- B. Ongoing Compliance. Upon request, the affordable housing developer shall show that the affordable units are continually in compliance with this chapter and the terms of the affordable housing agreement. Upon 30-day notice, the City may perform an audit to determine compliance with this chapter and the terms of any agreement or restriction.
- C. Enforcement. The City shall have the authority to enforce the provisions of this chapter, the terms of affordable housing agreements and equity sharing agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions and any other requirements placed on the affordable units or the approval of the qualified housing development. In addition to the enforcement powers granted in this chapter, the City may, at its discretion, take any other enforcement action permitted by law, including those authorized by City ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution and injunctive relief. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.



## **Chapter 9.185 Fences, walls and screening**

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### **Contents:**

- 9.185.010 Purpose
- 9.185.020 Applicability
- 9.185.030 Exemptions
- 9.185.040 General Development Standards
- 9.185.050 Exceptions
- 9.185.060 Screening and Special Wall and Fencing Requirements

### **9.185.010 Purpose**

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The purpose of this chapter is to regulate the development, installation, and maintenance of private walls and fences and screening within the community. Specifically, this chapter does the following:

- A. Promotes the public health, safety, and general welfare of the City by regulating the fences and walls and screening protecting or separating real property.
- B. Regulates the installation, operation, and maintenance of all walls and fences.

### **9.185.020 Applicability**

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The standards contained in this chapter shall apply to the following:

- A. New uses and buildings. For all buildings erected and all uses of land established after the effective date of this Title, fences, walls and screening shall be provided as required by this chapter.
- B. Modification to existing structures and uses. Whenever an existing building is modified, or a use is expanded such that it creates an increase of more than 10% in the number of existing dwelling units for residential projects or more than 10% in the existing square footage of commercial or industrial projects, fences, walls and screening shall be provided as required by this chapter.
- C. Review Required. The review of fences and walls shall be an integral part of any plot plan, permit, or development plan review application. Compliance with all wall and fence standards shall be required, except as may be modified by Article 5 (Special Use Regulations) or Chapter 9.270 (Waste Storage Facilities), or pursuant to a requested exception(s) to wall and fence standards through the administrative relief procedure provided in Chapter 9.70 (Minor Exception).
- D. Swimming Pools, Spas, and Similar Features. Swimming pools, spas, and similar features shall be enclosed by walls or fences no less than 5 feet in height per the California Building Code.

### **9.185.030 Exemptions**

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The following walls and fences shall be exempt from development review (a building permit may be required).

- A. Retaining walls. Retaining walls less than 3 feet in height.
- B. Residential fences. Fences located on residential property (privacy fences) constructed in compliance with the standards of this section.
- C. Required fences. Fences and walls required by a state or federal agency, or by the City for public safety.

### **9.185.040 General Development Standards**

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- A. **Architectural Compatibility.** Walls, fences, and architectural screening elements shall be compatible with the architectural treatment of the primary building on the parcel and shall meet all standards applicable to the Zone unless otherwise modified by this chapter.
- B. **Visibility.** No wall, fence, or landscaping element shall interfere with intersection visibility or line of sight or other safety issue.
- C. **Blank Walls Prohibited.** Blank walls are prohibited. Where screening or security walls (excluding wrought iron fences) are located within 10 feet of a public ROW, landscaping shall be provided between the wall and the ROW to a minimum height of 42 inches to minimize opportunities for crime and unsafe conditions.
- D. **Permitted Materials.** Approved materials include wood, plexi-glass, vinyl, stone, masonry, brick, block, stucco, wrought iron, and concrete. Where opaque walls are required, they shall be constructed of brick, split-face block, stone, or frame-stucco.
- E. **Prohibited Materials.**
  - 1. Barbed, razor, concertina, corrugated metal and plastic, tarps, and electrified wire of any kind or configuration is prohibited in all Zones, except as modified by section 9.185.040.E.2 below.
  - 2. Woven wire, barbed wire, or electrified fencing may be permitted in the front and side yards of all Agricultural (A) zones only if needed to secure livestock and/or horses; maximum height not to exceed six feet.
  - 3. Chain-link fencing and similar materials are prohibited along any public ROW regardless of setback, except for temporary construction fencing (9.185.040.C). Where chain-link fencing is used, it shall not be visible from the public ROW. This standard shall apply to all zones except Agricultural (A) zones.
- F. **Maintenance.** Fences and walls shall be constructed of new material and shall be maintained in a state of good repair. Any dilapidated, dangerous, or unsightly fences or walls shall be repaired or removed.
- G. **Maximum Height.** The height of all walls, fences, and architectural screening elements shall be measured from the finished grade of the property to the highest point of the element.
  - 1. Table 9.185.040-1 establishes the maximum wall/fence heights by Zone.
  - 2. Where additional height is needed based on security or specific site operating requirements, additional wall/fence height may be approved by the Community Development Director, subject to evaluation of agencies and necessity.
  - 3. Hedges or other screening vegetation, excluding trees, shall not exceed the maximum height of walls permitted in the zone.

Figure 9.185.040-1 Fence Height by Location (applicable to all Residential Zones)

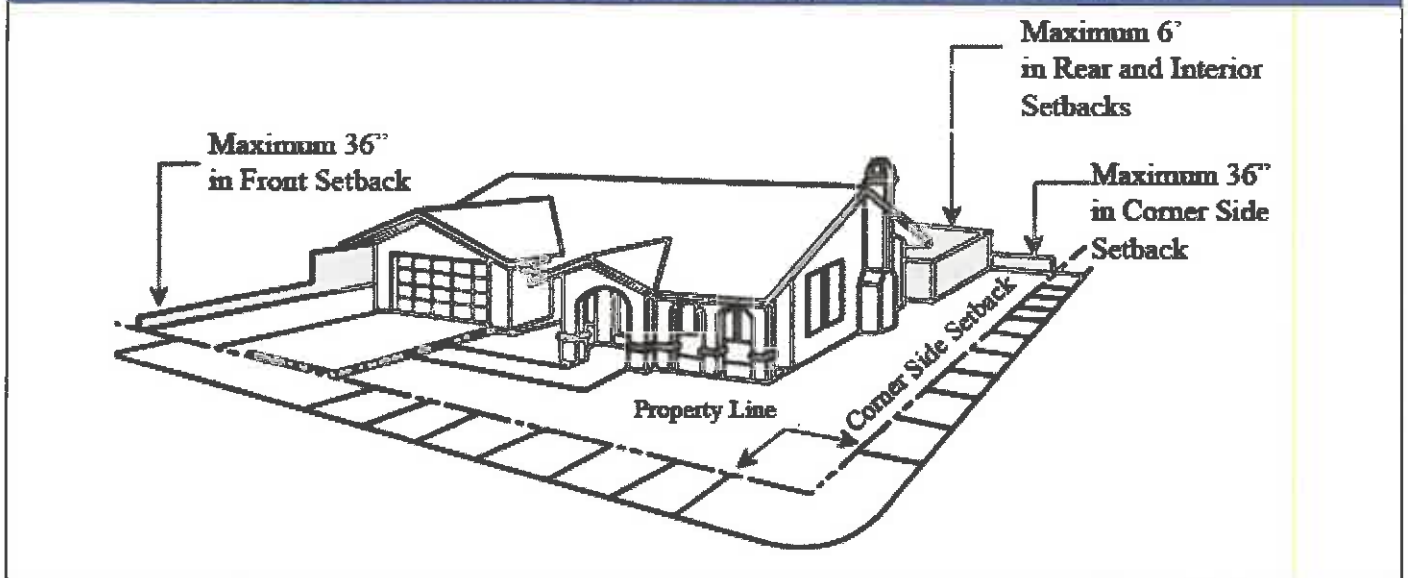


Table 9.185.040-1 Wall/Fence Maximum Height Standards by Zone

Maximum Permitted Height by Setback								
Setback Location	Ag & Residential Zones		Commercial Zones		Industrial Zone		EDC Zones	
	Setback	≥ Min. Setback	Setback	≥ Min. Setback	Setback	≥ Min. Setback	Setback	≥ Min. Setback
Front/Street	36"	6'	36"	6'	36"	6'	36"	6'
Side	6'	6'	6'	6'	6'	12'	6'	8'
Rear	6'	6'	6'	6'	6'	12'	6'	8'

Notes:

1. Fences, walls and screening are not required between land uses unless otherwise specified in this Title. Fences, walls and screening must also be located outside of any public utility easement except as authorized by the applicable utility agency.
2. Maximum height may be increased by the designated approving authority as part of development review.

**9.185.050 Exceptions**

- A. Residential parcels adjacent to major thoroughfares may be permitted a sound wall to increase the height of the wall by 6 feet for a maximum height of 12 feet based on submission and approval of a noise study to the Community Development Director and City Engineer (9.225.070).
- B. Sports facilities such as ball fields and tennis courts may have court fencing at a maximum of 12 feet, provided the fencing is set back at least 5 feet from the property line.
- C. Temporary chain-link fencing and similar materials are allowed along any public ROW during approved construction activities.

**9.185.060 Screening and Special Wall and Fencing Requirements**

This section establishes screening standards and special provisions for walls and fencing.

- A. Screening between different land uses. The City encourages the integration and connection of compatible uses. To that end, continuous barriers in the form of solid fences and walls, including sound walls, should only be used between land uses when residential uses are located next to industrial uses or when necessary, as determined by the designated approving authority. When used, the screening shall meet the following standards:
1. The screen shall consist of a solid decorative wall of masonry or similar durable material or, in lieu of decorative masonry, the wall shall be covered with plant materials (e.g., ivy) or be blocked from view by landscape materials. The wall shall be a minimum of 6 feet in height, shall be architecturally treated on both sides and shall comply with the height limitations listed in Section 9.185.040 (General Development Standards).
  2. A landscaping strip with a minimum width of 5 feet shall be installed on both sides of a screening wall, except that a minimum of 6 feet of landscaping (with trees) shall be provided between a parking lot and a screening wall.
  3. The designated approving authority may waive, or approve a substitute for, the requirements above if it is determined that:
    - a. The relationship of the proposed uses makes screening unnecessary or undesirable;
    - b. The intent of this section is successfully met by alternative screening methods; and/or
    - c. Physical characteristics and/or constraints on the site make required screening infeasible or unnecessary.
- B. Screening of mechanical equipment. Mechanical equipment shall be screened as follows:
1. Exterior equipment. All exterior mechanical equipment shall be screened from view on all sides.
  2. Top-mounted screening. Screening on top of the equipment may be required by the designated approving authority if necessary to protect views from a neighboring residential zone.
  3. Screening of roof-mounted equipment. Roof-mounted mechanical equipment shall be screened in compliance with the following standards:
    - a. Screening materials may be solid concrete, wood or other opaque material and shall effectively screen the mechanical equipment so that it is not visible from a public street.
    - b. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials and architectural styles.
    - c. Mechanical equipment shall be screened from the perspective of the adjacent public streets, right-of-way and/or sidewalk.
  4. Screening of ground-mounted antennas. Ground-mounted antennas shall be screened with a fence, wall or dense landscaping so that the antennas are not visible from the public right-of-way and to minimize the visual impact on abutting properties.
  5. Building-mounted antennas shall be screened as follows:
    - a. Wall-mounted equipment shall be flush-mounted and painted or finished to match the building, with concealed cables.
    - b. Roof-mounted equipment shall be screened from view of public rights-of-way by locating the antenna below the roofline, parapet wall or other roof screen and by locating the antenna as far away as physically feasible and aesthetically desirable from the edge of the building.
    - c. Antennas shall have subdued colors and nonreflective materials which blend with the materials and colors of the surrounding area or building.

6. Screening of commercial loading docks and refuse areas. Loading docks and refuse storage areas shall be screened from public view and adjoining public streets and rights-of-way and residentially zoned areas. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials and architectural style. Exceptions may be permitted through development review for sites with unique characteristics (e.g., shallow lot depth, adjacency to single-family unit). All dumpsters shall be closed when not in use.
  7. Screening of trash enclosures/recycle containers. Trash receptacles (including recycling and green waste containers) shall not be stored within a required front or street side yard and shall be screened from view of the public right-of-way by a solid fence not less than 4 feet in height. Exceptions to fence height standards may be granted by the designated approving authority to ensure proper placement and screening of trash receptacles.
  8. Outdoor equipment, storage and work areas. Outdoor storage areas for materials other than plants shall be enclosed and screened from view from the public right-of-way and abutting property by a solid fence or wall a minimum of 6 feet in height. All gates provided for ingress and egress in any required fence or wall shall be at least 6 feet in height and shall be of view-obstructing construction.
- C. Retaining walls. An embankment to be retained which is over 48 inches in height shall be benched so that at the low side no individual retaining wall exceeds a height of 36 inches above the finished grade and each bench has a minimum depth of 36 inches.
- D. Temporary fencing. Temporary fencing may be required by the designated approving authority where necessary to protect trees or other sensitive features and the general public from construction activities during site preparation and construction. Temporary fencing shall be removed after 90 days once construction is complete.
- E. Temporary security fencing. Temporary security fencing (including chain link) with a maximum height of 6 feet may be installed around the property lines of vacant property with approval from the designated approving authority. Properties shall be maintained in a condition free from weeds and litter.
- F. Open space and trails. Fences adjacent to open space and trail areas shall be constructed and maintained as open view fencing, unless otherwise approved by the approval authority, and shall not be chain link.
- G. Sound walls. Whenever sound walls are required to mitigate sound impacts adjacent to streets, the following standards shall apply. These standards shall not preclude the use of other innovative methods of project design utilizing greater setbacks, building design, mounding or single-story structures with solid walls facing the street.
1. Setbacks. Walls shall be set back a sufficient distance from the ultimate public street right-of-way in accordance with noise attenuation and landscaping requirements. The area between the right-of-way and the wall shall include at minimum, public sidewalk and landscaping, including canopy street trees, designed to City standards.
  2. Height. Maximum height of a wall shall not exceed 6 feet above the finished grade at the base of the wall on the roadway side, unless additional height is needed as documented by a noise study and approved by the Community Development Director and City Engineer, in which case a specific maximum height of 12 feet shall be established and adhered to.
  3. Earth mounds. When sound and visual attenuation requires a wall exceeding 6 feet above the grade of the adjacent roadway, earth mounds shall be used, such that no more than 6 feet of the wall is visible from the roadway. The mounds shall not exceed a three-to-one (3:1) ratio slope. The mounds may support the wall or be placed against the wall on the street side. Drainage shall be contained, so there is no sheet flow of water onto the sidewalk where the slope exceeds a six-to-one (6:1) ratio.

4. **Wall Type.** Walls shall be solid decorative wall of masonry or similar durable material or, in lieu of decorative masonry, the wall shall be covered with plant materials (e.g., ivy) or be blocked from view by landscape materials. Construction shall be graffiti-resistant solid brick or masonry material that requires minimum maintenance and provides the required sound and visual attenuation.
  5. **Landscaping.** Landscaping shall be provided so that 50% of the wall will be covered by landscape material within three years.
- H. **Agricultural fencing.** All fences which enclose livestock shall be designed, constructed and maintained so as to control and contain such livestock at all times and so as to prevent such livestock from reaching across any property lines and damaging adjacent property.

## **Chapter 9.190 Hillside Development Standards**

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### **Contents:**

- 9.190.010 Purpose
- 9.190.020 Applicability
- 9.190.030 Exemptions
- 9.190.040 Plot Plan Approval
- 9.190.050 Application Requirements
- 9.190.060 Development Standards
- 9.190.070 Relief from Development Standards

### **9.190.010 Purpose**

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The purpose of this chapter is to establish the standards and criteria under which properties with significant slopes, hillsides and ridgelines may be developed in a manner that is consistent with the goals and policies of the City's adopted General Plan, promotes the health, safety and welfare of the residents and visitors to the community, and allows for residential development that is beneficial to both the property owner and the community, and more specifically:

- A. To protect the value of the community and the subject property of ridgelines, prominent landforms, rock outcroppings, open space areas, hydrologic features, wildlife communities, unique and sensitive habitat and vegetation communities, and other natural, biological, archaeological/historical and scenic resources,
- B. To preserve the visual and aesthetic quality of hillsides as viewed from the surrounding community,
- C. To avoid and minimize disturbance areas of significant steep slopes and prominent hilltops and ridgelines, and to ensure that new development sites and lots have adequate unconstrained land suitable for development.
- D. To promote and encourage a variety of high quality, alternative development designs and concepts appropriate for hillside areas.
- E. To preserve the public health, safety and welfare and specifically protect the public and property from hazards such as seismic, geologic and fire.

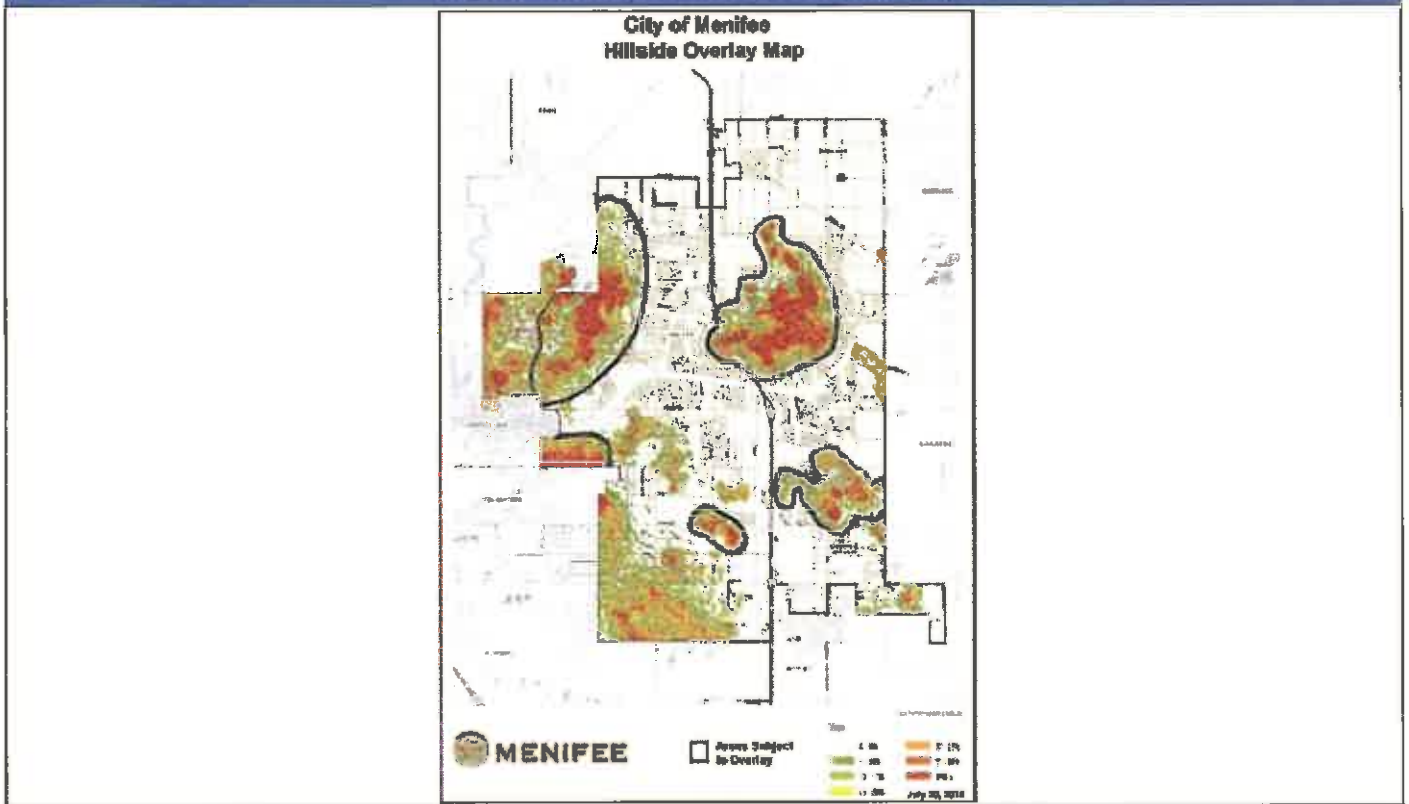
### **9.190.020 Applicability**

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This chapter applies to all development on properties in Menifee that contain significant areas of steep slopes and prominent hillsides and ridgelines as defined in this Title. These areas and features are typical of the properties in the Rural Mountainous (RM) and Rural Residential, 5-acre minimum (RR5) zones, including, but not limited to, the areas illustrated on Figure 9.190.020-1 Menifee Hillside Map.



Figure 9.190.020-1 Menifee Hillside Map



### 9.190.030 Exemptions

The following are exempt from the provisions of this chapter:

- A. Development that maintains a minimum of 50 feet from the top of any steep slope or hillside and is no closer than 200 feet horizontally and 50 feet vertically from prominent ridgelines.
- B. Any project that has a valid, unexpired City- or county-approved tentative tract map or grading permit or other entitlement in place that is consistent with the restrictive regulations previously in effect prior to adoption of the City's General Plan update on December 18, 2013. The requirements of this chapter shall be applied to all approvals that require a discretionary extension or that are extended pursuant to a discretionary extension. .
- C. Open space projects and regional or community trails on City-owned property.
- D. Local public streets or private roads and driveways which are necessary for primary or secondary access to the portion of the site to be developed on steep slope lands of less than 25 percent, provided no less environmentally damaging alternative exists. The determination of whether a proposed road or driveway qualifies for an exemption, in whole or in part, shall be made by the Community Development Director based on an analysis of the project site.
- E. Public and private utility systems, provided the Community Development Director finds that the least environmentally damaging alignment has been selected. However, septic systems are not included in this exemption unless the Riverside County Department of Environmental Health has certified that no grading or benching is required.

- F. Areas with native vegetation, which are cleared or trimmed to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or orders of fire safety officials and that such slopes retain their native root stock or are planted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.

### **9.190.040 Plot Plan Approval**

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Development of properties that include steep slopes, hillsides and ridgelines that is not exempt per Section 9.155.020 shall require plot plan approval pursuant to Chapter 9.80 (Plot Plans).

### **9.190.050 Application Requirements**

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In addition to the application requirements of Chapter 9.80 (Plot Plans), unless otherwise waived by the Community Development Director, all of the following shall be submitted with a plot plan application for development on steep slopes, hillsides or ridgelines:

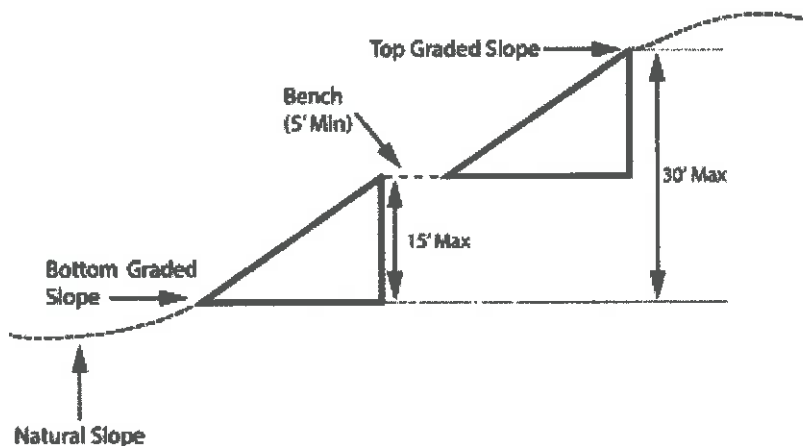
- A. **Plot Plan.** A site plan drawn to scale by a California-licensed land surveyor or registered civil engineer, showing the location of all existing peaks, ridgelines, hills, hillsides and other significant landforms including rock outcroppings, all areas within 200 feet of a peak or ridgeline, the location of all existing watercourses, the location of all existing vegetation including oak trees and the type and quantity thereof, the location of all existing and proposed agricultural areas, the location of all existing and proposed dwellings and the location of all existing and proposed accessory facilities.
- B. **Grading Plan.** A grading plan, including a blasting permit, if necessary, subject to the requirements of Title XX (Grading Ordinance) of the Menifee Municipal Code.
- C. **Topographic Map.** A topographic map of the site, drawn to scale by a California-licensed land surveyor or civil engineer, showing all the items referenced in Subsection A (Plot Plan) of this section. The scale on the topographic map shall be no smaller than 1 inch equals 100 feet, with contour intervals not exceeding 10 feet.
- D. **Slope Analysis.** A slope analysis of the site showing the following slope categories: 0–24% grade, 25–34% grade, 35–50% grade and over 50% grade prepared by a licensed land surveyor or a registered engineer. If the site contains steep hillsides but does not have 50 feet of vertical elevation, an off-site analysis of the adjacent property(ies) must be made to determine whether the steep hillsides on the subject site are part of a steep hillside system that extends off-site and exceeds the 50-foot elevation.
- E. **Utility Plan.** Underground utility plan.
- F. **Biological Report.** A biological report for the site addressing the topics enumerated in subsection G (Conservation Required) of this section.
- G. **Conservation Required.** For any project for which a hillside development plot plan is required by this section, evidence that it is designed to protect wildlife habitat areas, biological corridors, native plants and plant communities, and where practicable, support interconnected, contiguous and integrated open space systems within an area, particularly when located contiguous to open space preserve areas.
- H. **Cultural Report.** A cultural resources assessment prepared by a qualified archeologist.
- I. **Photo Survey.** Photographs of the portion(s) of the site that would be disturbed taken from each corner of the site and from all vantage points deemed appropriate by the Director of Planning.
- J. **Erosion and Sedimentation Control Plan.** A proposed erosion and sedimentation control plan showing and describing interim and ultimate erosion and sedimentation control measures.

- K. **Landscape and Restoration Plan.** A proposed landscape and habitat restoration plan, including a restoration time schedule, showing and describing how the site would be landscaped and repaired and how the natural conditions of the site would be replicated. A qualified biologist shall prepare the habitat restoration plan.
- L. **Architectural Plans.** A proposed architectural plan showing how primary and accessory structures would be constructed.
- M. **Lighting Plan.** A proposed exterior lighting plan showing how primary and accessory structures, and landscaping would be illuminated.
- N. **Visibility Analysis.** A line of sight visual analysis.
- O. **Fuel Modification Plan.** A fuel modification plan consistent with the General Guidelines for Creating Defensible Space adopted by the State Board of Forestry and Fire Protection, February 8, 2006.

### 9.190.060 Development Standards

Development that proposes encroachment into steep slopes, hillsides or ridgelines, or that does not qualify for an exemption pursuant to Section 9.190.030 (Exemptions) is subject to the following regulations and the Menifee Steep Hillside Guidelines.

- A. **Land Disturbance.** No disturbance of steep slopes, hillsides and ridgelines shall be permitted except in conformance in all respects with an approved plot plan that details the proposed land disturbance meeting all of the following requirements.
  1. Areas situated within 200 feet horizontally and 50 feet vertically of a hilltop or ridgeline shall not be disturbed.
  2. Natural slopes having a 25% or greater grade shall not be disturbed.
  3. The horizontal distance between a natural or graded steep slope and a roof, or portion thereof, shall not be less than 20 feet.
  4. The vertical distance of a graded slope shall not exceed 15 feet from the toe of the slope to the top of the graded slope, unless a 5-foot bench is placed between two graded slopes and the bench is planted with vegetation similar to that growing on the portion(s) of the site that have not been disturbed.



5. The maximum height of a graded slope, including required benching, shall not exceed 30 feet.
6. The use of blasting for road construction or pad grading shall be strongly discouraged and alternate construction techniques shall be used if feasible. Site disturbance and grading shall be kept to a minimum.



7. The maximum encroachment that may be permitted into steep slope lands shall be as set forth in Table 9.190.060-1-Maximum Steep Slope Encroachment. This encroachment may be further reduced due to environmental concerns or other design criteria.

Table 9.190.060-1-Maximum Steep Slope Encroachment	
Percentage of Lot in Steep Slope Lands	Maximum Encroachment as Percentage of Area in Steep Slope Lands
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

An additional 2% may be added to the maximum encroachment allowance for projects where the existing development area is not contiguous, and access to the entirety of the development area is not otherwise available; or the existing development area does not have direct access to a public right-of-way.

8. Land disturbance shall conform in all respects with the erosion and sedimentation control plan approved by the Community Development Director or City Engineer.
  9. All development occurring in steep hillsides shall incorporate the design standards identified in the Menifee Steep Hillside Guidelines as deemed appropriate by the approving authority.
- B. Height.**
1. No dwelling, building or structure shall have more than two stories.
  2. On a level building pad, the maximum height of a dwelling, building or structure shall be measured from the foundation.
  3. On a terraced building pad, the maximum height of a dwelling, building or structure shall be 40 feet measured from the lowest finished floor level, excluding any basement areas.
- C. Cluster Development Subdivision.** Cluster development subdivision pursuant to Chapter 9.170 (Cluster Development Subdivisions) is encouraged as a method to avoid and minimize disturbance of steep slopes, hillsides and ridgelines for residential subdivisions.
- D. Subdivisions.**
1. Each newly created lot within a subdivision shall include some portion that does not contain steep hillsides that will serve as the location (or future location) of development on the lot. Such unconstrained area shall be sufficient in size to accommodate a reasonable development without requiring additional encroachment into steep hillsides.
  2. If additional encroachment is desired for development area on an individual lot, the maximum permissible encroachment area calculation will be based on the original subdivision and not the individual lot. If the individual lot has an encroachment area that is less than the maximum percentage of the lot area, additional encroachment into steep hillsides on the lot will only be permitted if and to the extent that the encroachment area of the original subdivision was less than the maximum allowed area of the original unsplit premises.

**9.190.070 Relief from Development Standards**

- A.** The approving authority may approve relief from the requirements of Section 9.190.060 if:



1. The applicant demonstrates that the proposed alternative complies with and furthers the intent of this section; and
  2. The applicant demonstrates that the proposed alternative provides a design solution that is equivalent to or better than the standards prescribed in this chapter for quality, effectiveness, durability and safety.
- B. The relief from development standards shall be heard at a public hearing of the approving authority.

## **Chapter 9.195 Landscaping Standards**

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### Contents:

- 9.195.010 Purpose
- 9.195.020 Applicability
- 9.195.030 Landscape and Irrigation Plans
- 9.195.040 Landscape Requirements
- 9.195.050 Additional Requirements for Residential Areas
- 9.195.060 Removal and Replacement of Required Landscaping
- 9.195.070 Maintenance Requirements and Violations
- 9.195.080 Park Development Design Plans
- 9.195.090 Water- Efficient Landscaping
- 9.195.100 Violations
- 9.195.110 Appeals

### **9.195.010 Purpose**

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- A. This chapter establishes minimum landscape requirements designed to improve the appearance of the city, its communities and its zoning districts. These requirements include provisions to reduce heat by providing landscaped areas and shading, improve health and livability, protect existing natural ecosystems, promote efficient use of water, minimize soil erosion, preserve and protect trees, and ensure that landscape installations do not create hazards for motorists or pedestrians. The landscape standards are intended to inform developers, consultants and the public regarding requirements and procedures for the installation and maintenance of landscaping in Menifee.
- B. In addition to the installation of well- designed, high quality landscaping and irrigation systems, and the maintenance thereof, the City has adopted landscape standards to include landscape documentation, submission requirements, review procedures and inspection protocols that when followed will allow a consistent, efficient and cost-effective mechanism to ensure that both public and private landscaped areas are of the quality expected in the city.
- C. In order to promote the quality mandated of sustainable public and private landscapes that enhances community character, the City has adopted standards and criteria for the development of both public and private parks, recreation areas and open space areas. Consistency between landscaped areas, public and private, as well as high quality standards for park development, will ensure that such facilities shall be beneficial to all members of the Menifee community.

### **9.195.020 Applicability**

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The standards contained in this chapter shall apply to the following:



- A. Landscaping and irrigation plans. Landscaping and irrigation plans, for public and private property, public rights-of-way and public or private parks shall be submitted, reviewed and approved as detailed in the Landscape Standard Guidelines adopted by Planning Commission resolution [INSERT RESO # & DATE], as may be amended from time to time. In addition, projects are required to comply with the provisions of Title 15.04 (Landscape Water Use Efficiency Requirements).
- B. New uses and buildings. For all buildings erected and all uses of land established after the effective date of this Title, landscaping shall be provided as required by this chapter.
- C. Modification to existing structures and uses. Whenever an existing building is modified, or a use is expanded such that it creates an increase of more than 10% in the number of existing dwelling units for residential projects or more than 10% in the existing square footage of commercial or industrial projects, landscaping shall be provided as required by this chapter to the greatest extent feasible.

### **9.195.030 Landscape and Irrigation Plans**

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When this chapter is applicable to new parks, projects or existing development, as identified in Section 9.195.020 (Applicability), preliminary and final landscape plans shall be submitted in accordance with the requirements of this chapter, including City's Landscape Standards and Park Development Design Standards, and review of such plans shall be conducted as part of the approval process.

- A. Preliminary landscape and irrigation plan. A preliminary landscape and irrigation plan shall be submitted to the designated approving authority as part of the discretionary review process. This plan must show a water budget that includes the estimated water use (in gallons), irrigated area (in square feet), precipitation rate and flow rate in gallons per minute, square feet of impervious materials, and stormwater infrastructure locations, as well as conceptual locations for trees, shrubs, ground cover, etc. A corresponding list of planting material by species (using common and scientific name), quantity and size shall be included.
- B. Final landscape and irrigation plan. After a preliminary landscape and irrigation plan has been approved by the designated approving authority, a final landscape and irrigation plan shall be submitted to the Community Development Department. For landscaping in public easements or ROW, the preliminary landscape and irrigation plan shall be submitted to the Public Works and Engineering Department, in conjunction with site improvement plans. The final landscape planting and irrigation plans shall be prepared by a registered licensed landscape architect and shall be in substantial compliance with the preliminary landscape and irrigation plan approved by the designated approving authority. Final plans shall show the location of and irrigation for trees, shrubs and ground cover. The final landscape plan shall include, at a minimum, plant name (providing both common and scientific name), plant quantity, plant size, location of permeable surfaces, utilities and lighting, irrigation system and plans for tree retention and removal where applicable. When, allowed at the discretion of the Engineering and Public Works Director due to unforeseen circumstances, the installation of the plants, irrigation system and/or other items shown on the final landscaping plan are not installed as illustrated, prior to final inspection an "as- built" plan shall be submitted to document the actual location of installation. The final landscape plan shall also include a water budget that identifies the estimate water use (in gallons), irrigated area (in square feet), precipitation rate and flow rate in gallons per minute.
- C. Concept park plans. Preliminary park plans, inclusive of landscaping and irrigation plans, shall be submitted to the designated approving authority as part of the discretionary review process. This plan must show the basic design of the proposed park, whether public or private, parking areas, active and passive activity areas, areas left natural, and drainage and dual use areas, as well as other information as required by the Community Services Department.

## **9.195.040 Landscape Requirements**

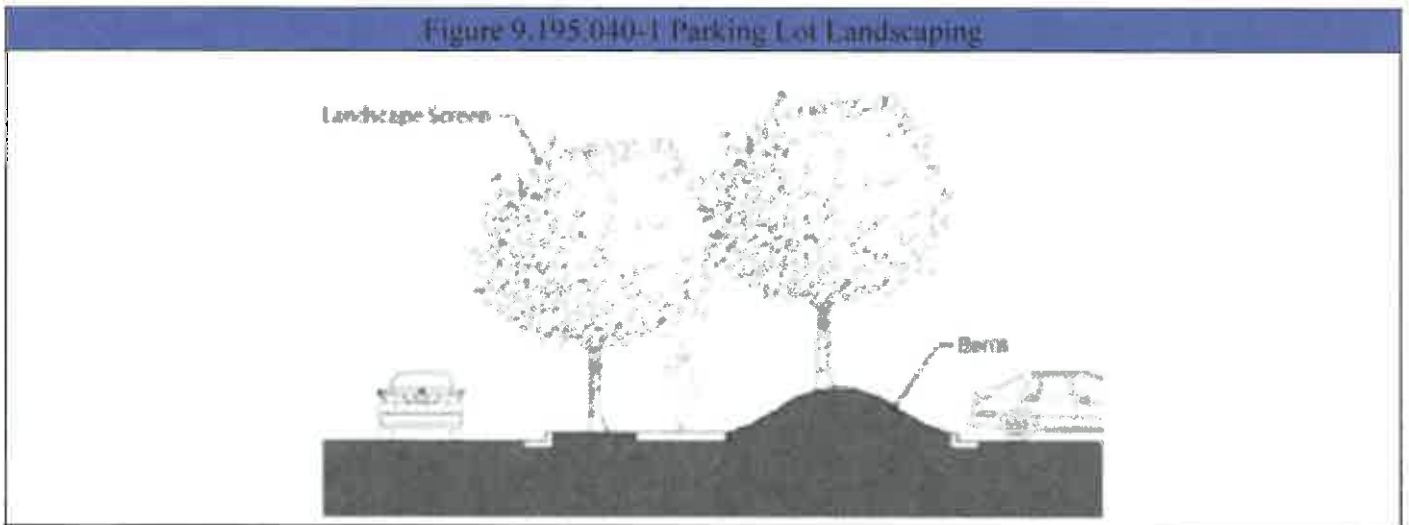
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The requirements listed below apply to special types of landscaping. However, in any wildland-urban interface fire area, the Riverside County Fire Department/Cal Fire requirements shall prevail.

- A. Residential landscape. See Section 9.195.050 (Additional Requirements for Residential Areas).
- B. Substantial landscaping. All required landscaped areas and planters, unless utilized for other purposes such as Water Quality compliance with the governing jurisdiction, shall be landscaped with a mix of trees, shrubs, perennials, ornamental grasses, vines and ground cover to create a dense and layered design. A substantial quantity of plants shall be planted. Drought -tolerant plants shall be used within all landscaped areas to augment the aesthetic and decorative nature of the planted area. Drought- tolerant plants shall augment, but not completely substitute for, other floral arrangements unless specifically approved by the approval authority.
- C. Decorative materials. Decorative materials such as mulch, decomposed granite, bark and drought-tolerant plants, as well as non-living inert material (rock, cobbles, decorative stone, etc.), may be used within any landscape area required by this chapter upon approval by the approval authority.
- D. Project entry landscaping. Entries to projects (both residential and nonresidential) shall be designed as a special statement reflective of the character and scale of the project to establish identity for tenants, visitors and patrons. Irrigated, flowering accent plantings, decorative drought- tolerant annuals (to be replaced as needed for maintenance) and specimen trees shall be used to reinforce the entry statement.
- E. Trees adjacent to building walls. With the exception of single-family housing developments, trees shall be planted in areas of public view adjacent to structures at a rate of one tree per 30 linear feet of building dimensions, particularly to interrupt expansive horizontal and vertical surfaces. Tree clusters may be used to satisfy specific design objectives.
- F. Screening of drive-through aisles. To shield vehicles and associated headlights in a drive-through lane from view of abutting street rights-of-way, a minimum 5-foot -wide planter shall include a minimum 3-foot-tall (maximum 4-foot-tall) landscape barrier planted with trees and other landscaping consistent with those in the parking area. Trimming and pruning of the landscape barrier shall be performed in a manner that maintains the shielding of vehicle headlights in the drive-through lane from adjacent street rights-of-way. The landscape barrier site design shall not preclude or impede safe and secure ingress and egress from the facility while providing screening from the public right-of-way.
- G. Screening of outdoor equipment. Screening is required according to Chapter 9.185 (Fences, Walls and Screening).
- H. Wireless communication facilities.
  - 1. Where feasible, wireless communication facilities shall be installed to blend in with existing landscaping on the site, including trees, vines and shrubs, and landscaping used for screening. Additional landscaping may be planted around the tower and related equipment to buffer adjacent residential zoning districts or uses and to buffer public trails.
  - 2. Specifically, landscaping around the perimeter of a wireless communication facility (leased area) shall include dense tree and shrub plantings with the necessary irrigation. Trees shall be a fast-growing evergreen species, with a minimum size of 24-inch box. Shrubs shall be a minimum 15-gallon size covering a minimum planter area depth of 5 feet around the facility. Trees and shrubs shall be planted no farther apart on center than the mature diameter of the proposed species.
- I. Public and Pedestrian spaces. Public and Pedestrian space landscaping shall include a combination of shade trees and pedestrian shading devices (e.g., canopies, awnings, umbrellas) placed so as to cover 50% of the total space with a shade canopy within 15 years of securing the building permit.

- J. Signs. Landscaping shall be provided at the base of the supporting structure of freestanding signs equal to the area of one face of the sign except as otherwise allowed by the approval authority. For example, 50 square feet of sign area requires 50 square feet of landscaped area. The approval authority may reduce this ratio during formal project review if found necessary and/or appropriate for the overall design of the proposed project. Such landscaping shall be appropriately irrigated and shall include floral arrangements that include drought-tolerant annuals and perennials that are designed to facilitate maintenance as well as to enhance aesthetic quality.
- K. Buffering between uses. A landscape buffer shall only be used between land uses when residential uses are located next to non-residential uses or when necessary, as determined by the designated approving authority. A landscaping strip with a minimum width of 5 feet shall be installed adjacent to a screening wall, except that a minimum of 6 feet of landscaping (with trees) shall be provided between a parking lot and a screening wall.
- L. Sound walls/masonry walls. Where setback and open space areas are screened from public view by walls or similar approved structures, landscaping shall be provided so that 50% of the wall will be covered by landscape material within three years.
- M. Existing trees. Mature trees on the site in good health shall be preserved whenever possible. Credit for the preservation of existing trees shall be as specified in Section 9.200.030.C (Credit for Tree Preservation).
- N. Parking lot landscape. Parking lot landscape includes perimeter planters, planters abutting parking lots and drive aisles, tree planting for parking lot shade, and a combination of continuous planting strips, planting fingers and parking islands throughout the parking lot. All landscaped areas, including those with drought-tolerant plants, shall be irrigated. Landscape requirements applicable to all commercial, industrial, mixed-use and multi-family parking lots with five or more spaces are listed below. See Chapter 9.240 (Motor Vehicle and Related Uses) for superseding standards, requirements and exceptions.
  - 1. Maintenance. All landscaped areas, whether populated with drought-tolerant plants, other species or decorative materials such as mulch, decomposed granite, bark or other non-living inert materials (rock, cobble, decorative stone, etc.), shall be maintained in a clean, weed-free and disease-free manner as specified in this chapter and as reviewed, approved and installed (per City inspection) at all times.
  - 2. Trees required. Trees are required to be planted at a rate of one tree for every four parking stalls. At maturity, trees should reach a minimum height and spread of 40 feet so as to form a shade canopy over parking stalls. Smaller ornamental trees may not be used to satisfy this requirement. Tree selections shall be approved by the Community Development Department.
  - 3. Minimum landscape. A minimum of 10% of the total off-street parking area shall be landscaped with trees, shrubs and appropriate ground cover. The parking area shall be computed by adding the areas used for access drive aisles, stalls, maneuvering and landscaping within that portion of the premises devoted to vehicular parking and circulation.
  - 4. Minimum Parking Lot Shading Requirements. Parking area landscaping shall include shade trees unless otherwise approved by the approval authority, so as to provide for adequate shade canopies within 15 years of age as follows:
    - a. 30% for Parking Lots with between 5-24 parking stalls
    - b. 40% for Parking Lots with between 24-29 parking stalls
    - c. 50% for Parking Lots with more than 50 parking stalls
  - 5. Perimeter strip. Unenclosed parking facilities shall provide a perimeter landscaped strip at least 5 feet wide (inside dimension) where the facility adjoins a front, side or rear property line. The perimeter landscaped strip may include a landscaped yard or landscaped area otherwise required and shall be continuous, except for required access to the site or parking facility.

6. **Screening.** All surface parking areas shall be screened from streets and adjoining properties, and the open space areas between the property line and public street right-of-way shall be landscaped with berms, swales, trees, shrubs and ground cover (or a combination thereof).
7. **Location.** Parking lot landscaping shall be located so that pedestrians are not required to cross unpaved areas to reach building entrances from parked cars (see Figure 9.195.040-1, Parking Lot Landscaping ).
8. **Planter design.** All parking lot planters shall be designed to meet the following minimum requirements (see Figure 9.195.040-1, Parking Lot Landscaping):
  - a. Planters shall be separated from maneuvering and parking areas by a 6-inch raised concrete curb or equivalent.
  - b. Tree planting wells located at the front of parking stalls shall contain a minimum of 25 square feet, and the smallest inside dimension shall not be less than 5 feet. The minimum width for planters containing a parking lot tree is 6 feet.
  - c. Landscape planters along the sides of parking stalls shall be a minimum 5 feet wide, the same length as the adjacent parking space, and shall contain a 12-inch concrete monolith pour or curb and "step-out."
9. Please see the City of Menifee Landscape Standards Design Guidelines for additional applicable standards for parking lot landscaping.



### 9.195.050 Additional Requirements for Residential Areas

- A. **Front yard landscaping.** For new development, front yard landscaping shall include, at a minimum, one 15-gallon-size tree, one 5-gallon-size tree, ground cover and a permanent irrigation system to be installed by the developer prior to occupancy. This requirement shall be in addition to required street trees.
- B. **Front yard landscaping requirements.** All homes must maintain a minimum ratio of 50% landscape (or Xeriscape) to 50% hardscape ratio within that area identified as the required front setback area. Up to 25% of the landscape area can be used for decorative hardscape (e.g., bark mulch, decorative rocks, rock outcroppings).
- C. **Tree requirements.** In addition to the size and number of trees required, the following shall also be required:
  1. **Tree location.** No trees shall be planted under any eave, balcony or overhang.



2. Root barriers required. Trees in landscape planters with 6 feet or less of hardscape (curb, walks, walls, etc.) shall require tree root barriers.
3. Tree staking. All trees whose stability requires support shall be staked in accordance with the City's landscape standards.
4. Visibility. All trees, whether singularly placed or placed in clusters, shall not inhibit standard visibility parameters.
5. Street trees. Street trees shall be provided per City standards.

### **9.195.060 Removal and Replacement of Required Landscaping**

Plant material removed from a project in which the Community Development Department has approved the landscape plan shall be replaced with the following replacement sizes:

- A. Shrubs shall be replaced with the same size plant as the plant approved by the landscape plan.
- B. Ground cover shall be replaced by plants contained in landscape flats.
- C. For tree replacements, the size replacement trees shall be determined by the Community Development Department based on the conditions of the property. Trees removed or severely and improperly trimmed shall be replaced with an appropriately sized tree as determined by the Community Development Department.

### **9.195.070 Maintenance Requirements and Violations**

- A. Maintenance. All private landscaped areas shall be irrigated and maintained in a clean, weed- free and disease- free manner at all times. Property owners/tenants shall regularly inspect their property to ensure that all plants are alive and healthy, that irrigation systems, control devices and timers are functioning properly, that dead or dying plants are removed and replaced, and that all areas using mulch, decorative rock or other features are in good condition and are consistent with the plans originally approved, installed and inspected by the City. Maintenance of landscaping areas shall include, but not be limited to, the following:
  1. All landscaped areas shall be maintained in a clean, weed- free and disease- free manner at all times. Property owners/tenants shall periodically inspect their property to ensure that all plants are alive and healthy, that irrigation systems, control devices and timers are functioning properly and remain properly installed, that dead or dying plants are replaced and that all areas utilizing mulch, decorative rock or other aesthetic treatments are consistent with the plans originally installed, inspected and approved by the City.
  2. Irrigation equipment (controllers, valves, piping, electronics, etc.) shall be in good working condition in accordance with City landscape standards at all times.
  3. Litter shall be removed from all landscaped areas in a timely manner.
  4. Lawn areas shall be mowed on a regular basis and shall be kept green in accordance with seasonal variations. Accumulation of leaves, bark and other similar plant materials shall be removed in a timely fashion. Planting areas shall be weed-free.
  5. Landscaping maintenance, including Xeriscape, shall include pruning, cultivating, weeding, fertilizing, mowing, replacement of dead and diseased plants, and watering on a regular basis.
  6. Landscape maintenance, including Xeriscape, shall also include pruning or removal of overgrown vegetation, cultivated or uncultivated, that is likely to harbor rats, vermin or other nuisances, or that causes a visual detriment to neighboring properties or property.



7. Landscape maintenance, including Xeriscape, shall include the removal of trees that pose a safety hazard; trees that are dead, decayed or diseased; weeds and debris constituting an unsightly appearance, present a danger to public safety and welfare or cause a visual detriment to neighboring properties or property values. Compliance shall be achieved by removal, replacement or adhering to the prescribed maintenance requirements.
  8. Plants along property line. The property owner on whose property hedges or shrubs are growing shall keep such hedges or shrubs trimmed so that no part of them will project over the sidewalk.
  9. Thorn- bearing plants in parkways. No person shall plant ivy, shrub or any flora that have thorns or spiny extensions.
- B. Prohibition on use of landscaped areas. Use of landscaped areas for purposes other than landscaping as approved in the landscape plan or as an approved amenity by the approving authority is prohibited.
- C. Delegation. The City may delegate to, or enter into a contract with, a local agency to implement, administer and/or enforce the requirements of this chapter on behalf of the City.
- D. 1 Year Bond. Applicant shall guarantee the installation and maintenance and health of required landscaping for a period of not less than 1 year with a bond, letter of credit, or other form of security to the satisfaction of the Community Development Director or City Engineer.

#### **9.195.080 Park Development Design Plans**

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- A. Park Development Design Guidelines. When a private park project is required by this chapter, that project shall be submitted, reviewed and approved as detailed within the Park Development Design Guidelines adopted by Planning Commission April 15, 2015, as may be amended from time to time.
- B. Required information. As detailed in the Park Development Design Guidelines, all park project submissions shall include information addressing the following:
1. Site project planning
  2. Grading and drainage
  3. Paving, walkways and mow curbs
  4. Trails
  5. Fencing and walls
  6. Parking areas
  7. Trash enclosures
  8. Site furniture
  9. Signs (warning signs, rules of conduct, hours of operation, etc.)
  10. Playgrounds and equipment (tot lots)
  11. Prefabricated picnic shelters
  12. Sports courts
  13. Multipurpose fields (softball and soccer turf areas)
  14. Site and sports field lighting
  15. Irrigation
  16. Planting
  17. Synthetic turf
  18. Requirements and standards for all buildings



19. Operations and maintenance schedule for all site improvements
20. Comfort stations
21. Pet waste stations
22. Recreation centers
23. Aquatics facilities
24. Graffiti protection

### **9.195.090 Water- Efficient Landscaping**

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All landscaping shall conform to the requirements and criteria of Title 15.04 (Landscape Water Use Efficiency Requirements) and to the provisions and requirements of Section 3, Landscape Water Conservation, of the Landscape Standards Guidelines adopted by Planning Commission March 2015. Landscape water conservation methods are encouraged where possible and appropriate to conserve limited water resources.

### **9.195.100 Violations**

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- A. It is unlawful for any person to cause or permit any tree or shrub to be planted, maintained or removed in violation of the provisions of this chapter.
- B. Persons or entities who violate sections of this chapter may be found guilty of an infraction, or otherwise, as a misdemeanor as determined by legal action.
- C. If the Community Services Director and/or Public Works Director find a violation of a section of this title, he/she shall, in writing, notify the responsible party of the violation. The responsible party shall be informed as to how the violation is to be corrected. The Community Services Department and/or Public Works Department may cause the violation to be abated if after 15 business days, the cause for the violation has not been corrected as directed. The responsible party will be subject to enforcement action, including but not limited to, issuance of an Administrative Citation in accordance with the provisions of Chapter 1.03 (Administrative Citations) of this Code.

### **9.195.110 Appeals**

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- A. Final disposition. Any property owner may appeal a decision of the Public Works Department or a decision of the Community Services Department to the Parks, Recreation and Trails Commission for final disposition pertaining to any finding, violation or other matter related to this chapter.
  1. The appeal must be made in writing and filed with the City Clerk within 15 days following notice of decision of the Community Services Department and/or Public Works Department. The appeal shall state the grounds for the appeal. The City Clerk shall, upon receipt of the appeal, set the matter for hearing before the Parks, Recreation and Trails Commission not less than 15 days but no more than 60 days following the filing of the appeal. The City Clerk shall give not less than 10 days written notice to the appellant and the owner of the affected property of the time and place of the public hearing by United States mail or by personal delivery as such owner is shown on the latest assessment roll of Riverside County.
  2. The failure of any person to receive said notice shall not affect the validity of any proceedings under this chapter. Appeals of violations can be appealed pursuant to Section 1.03.070 of this Code. Recoverable and applicable administrative citations fines and costs may be collected pursuant to Section 1.03.130 of this Code.
- B. Objections; notice; hearing.

1. Appeal. Should the request of a property owner to remove a tree, bush or other significant plant material within the public right-of-way or parkway or plant material in a public park, public open space or trail area be denied, and such property owner wishes to appeal this decision, the appellant shall deposit, with the written appeal, a sum of money sufficient to cover the cost of the City Clerk having to publish twice in the local newspaper a notice of the intention to "kill, cut down or remove" a City-owned tree.
2. Notice requirements. The notice shall state the name of the applicant, the location of the tree and a statement to the effect that any person objecting to such removal must, in writing, notify the Community Services Department and/or Public Works Department of their objection and the reasons therefor. When the appeal fees and information is received by the City Clerk, he/she shall cause notice to be published twice in a local weekly newspaper of general circulation in the city.
3. Hearing. At the time and place of the hearing, the Parks, Recreation and Trails Commission shall hear and consider all relevant evidence and information including, but not limited to, the report of the Community Services Department and/or Public Works Department and testimony, written or oral, relative to the tree, bush or other significant plant material within the public right-of-way or parkway or plant material in a public park, public open space or trail area requested for removal.
4. Continuation. The appeal hearing may be continued from time to time. Upon the conclusion of the public hearing, the Parks, Recreation and Trails Commission shall, on the basis of the evidence presented at the hearing, determine whether the tree, bush or other significant plant material within the public right-of-way or parkway or plant material in a public park, public open space or trail area should be removed. If the Parks, Recreation and Trails Commission finds that the tree, bush or other significant plant material within the public right-of-way or parkway or plant material in a public park, public open space or trail area should be removed, the commission shall, by resolution, require removal by the City in a reasonable time to be set forth in the resolution. The determination of the Parks, Recreation and Trails Commission may be appealed to the City Council on forms available from the City Clerk's Office.

## **Chapter 9.200 Tree Preservation**

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### Contents:

- 9.200.010 Purpose
- 9.200.020 Applicability
- 9.200.030 Tree Preservation Requirements
- 9.200.040 Heritage Tree Replacement
- 9.200.050 Protection of Existing Trees
- 9.200.060 Tree Maintenance
- 9.200.070 Violations
- 9.200.080 Appeals

### **9.200.010 Purpose**

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The purpose of this chapter is to protect trees, considered to be a valuable community resource, from indiscriminate cutting or removal, to ensure and enhance public health, safety and welfare through proper care, maintenance and preservation of trees. Such landscaping, irrigation systems and tree preservation represent a substantial investment in and potential benefit to the community. Heritage trees such as those with certain characteristics (age, size, species, location, historical influence, aesthetic quality or ecological value) are subject to special attention and preservation efforts.

### **9.200.020 Applicability**

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- A. All Zones. The provisions of this chapter shall apply in all zoning districts to the removal, relocation or pruning of trees, as well as to heritage trees as provided in Section 9.200.040.
- B. Exceptions. The provisions of this chapter do not govern the following:
  - 1. The removal or pruning of any tree which poses an imminent threat to public property or public health, safety and welfare, as determined by a qualified member of a law enforcement agency, the Riverside County Fire Department/Cal Fire, the Community Services Department, the Public Works Department or a utility company.
  - 2. The removal of any tree on City-owned property as directed by a qualified county, state or federal agency or insurance provider.
  - 3. The removal of a diseased or dead tree on City-owned property as determined by the Public Works Department and/or Community Services Department.

### **9.200.030 Tree Preservation Requirements**

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The following general provisions shall apply to tree removal in an effort to preserve other trees which are in good health and which do not pose a safety threat.

- A. Trees overhanging a street. Pruning of branches is required so that branches shall not significantly obstruct a streetlight or the view of a street intersection. There shall be a clear space of 14.5 feet above the surface of the street and 8 feet above the sidewalk. The owner shall remove all dead, diseased or dangerous trees or portions of trees with broken or decayed limbs which may pose a threat to public safety.
- B. Nuisance trees. The following trees may be considered a nuisance by the City and are required to be either pruned or removed:
  - 1. Any tree that interferes with proper traffic sight distances, or the visibility of any traffic-control device or sign.
  - 2. A tree which poses a hazard to life and property or harbor harmful insect(s), fungi or disease(s) which may pose a threat to other trees within the city.
  - 3. A tree which, due to its overall growth, location or root expansion, may negatively impact sewers, power lines, gas lines, water lines, paved walkways, roadways, curbs or other public improvements.
  - 4. A tree which presents a risk of damage to public facilities, paved walkways and curbs or is in violation of the Americans with Disabilities Act.
- C. Credit for tree preservation. Where new tree installation is required by this chapter, the following incentive to preserve existing trees shall be allowed. Existing healthy trees with a 6-inch or larger trunk diameter measured at 4 feet from the surrounding grade shall be replaced at a three-to-one ratio if removed, in addition to any other new tree installation required. Existing healthy trees, with a 6-inch or larger trunk diameter measure at 4 feet from the surrounding grade which are retained on-site shall be credited toward

the tree installation requirements of this chapter at a one-to-two ratio (one tree saved equals a two-tree credit toward the installation of new trees required).

- D. Conflict between structures and protected trees. In case of a conflict between the proposed structure location and a protected tree, all reasonable alternatives shall be considered for revising the location of the structure prior to removal of a heritage tree, protected tree or trees.
- E. Use of explosives. Persons engaged in felling or removing trees, and desirous of using explosives for this purpose within the city limits, shall obtain approval to use explosives from the Building and Safety Department and Fire Department. The approval shall be noted on the tree removal permit prior to issuance of same by the Community Development Department or Planning Commission. Additionally, the applicant shall furnish a bond for the protection of surrounding property from any possible damage which might result from demolition activity.
- F. Harming parkway trees. It is unlawful for any person or entity to willfully and intentionally destroy, deface or injure a parkway tree.
- G. Physical damage.
  - 1. No person shall construct or cause to be constructed any private hardscape improvement which prevents the free access of water to the root zone of a parkway tree without prior approval of the Community Services Department and/or Public Works Department.
  - 2. The construction, installation or placement of any object or barrier which infringes upon the root crown of a parkway tree is prohibited without prior approval of the Community Services Department and/or Public Works Department.
  - 3. Any mechanical damage to the root crown on any parkway tree which results in girdling of the cambium layer is prohibited.
- H. Weakening. Ivy or climbing vines growing adjacent to a parkway tree shall be maintained away from the trunk and canopy of the tree by the property owner.
- I. Tree protection. Parkway trees shall be sufficiently shielded to prevent injury during any repair, alteration or removal of a house or structure. Protection shall include, but not be limited to, chain-link fencing, staking, etc.
- J. Root protection when trenching. During construction where trenching around parkway trees is necessary, the pathway of the trench shall be dug making every reasonable effort to avoid the tree's drip line. In those cases where an alternative trenching route is not possible, tunneling under woody roots rather than cutting such roots shall be preferable to preserve roots 2 inches or greater in diameter. When roots must be cut, sharp saws shall be used to make clean, non-frayed cuts.
- K. Topping prohibited. Topping is prohibited, except as deemed necessary by the City's qualified tree care specialist.
- L. Clearance requirement of trees. All parkway trees shall be kept trimmed to a minimum vertical clearance of 14.5 feet over the street.
- M. Trees on private property. Trees growing on private property which overhang the street or sidewalk shall be trimmed so that they vertically clear the sidewalk by 8 feet or more. The trees must vertically clear the street by 14.5 feet or more. The owner of the property on whose property the trees are standing is responsible for trimming the trees.
- N. Trimming by contiguous property owner. A property owner who wishes to trim a tree or trees in the street right-of-way or parkway abutting his/her property must first obtain a permit from the Public Works Department, and then have such work performed by a licensed, bonded company from a list approved by the Community Services Department and Public Works Department. A property owner who wishes to trim





a tree or trees in a public park, public open space or city trail area abutting his/her property must first obtain a permit from the Community Services Department, and then have such work performed by a licensed, bonded company from a list approved by the Community Services Department and Public Works Department.

- O. Removal by contiguous property owner. The Parks, Recreation and Trails Commission shall review and decide upon any request of a private property owner to remove a tree within a street right-of-way or parkway, public park, public open space or city trail area.
- P. City trimming on private property. The City may not trim trees that overhang from one private property to another.
- Q. Qualifications of tree care companies. All tree-care companies contracted by the City shall employ at least one ISA (International Society of Arboriculture) Certified Arborist to supervise all work performed on behalf of the City. All tree-care companies contracted by the City shall employ ISA Certified Tree Workers.
- R. Cost of parkway tree replacement. In cases where parkway tree removal and replacement is necessary because of conditions and events caused by the property owner, the property owner shall be charged for tree replacement.
- S. Street tree planting. All street tree plantings shall be approved by the Community Services Department and/or the Public Works Department as to species, location and method of planting. The tree must be inspected by the City's qualified tree care specialist.
- T. Proximity to intersections. No person shall plant or maintain any tree, mature or immature, which impedes sight distance visibility at street intersections.
- U. Method of planting. No person other than the property owner or designee shall plant trees in parkways adjacent to their property. The property owner may plant trees in the parkway abutting his/her own property, provided the trees are contained on the City's list of approved street trees and are approved by the Community Services Department and/or Public Works Department. Tree and shrub planting must be done in accordance with the instructions of the Community Services Department and/or Public Works Department.

#### **9.200.040 Heritage Tree Replacement**

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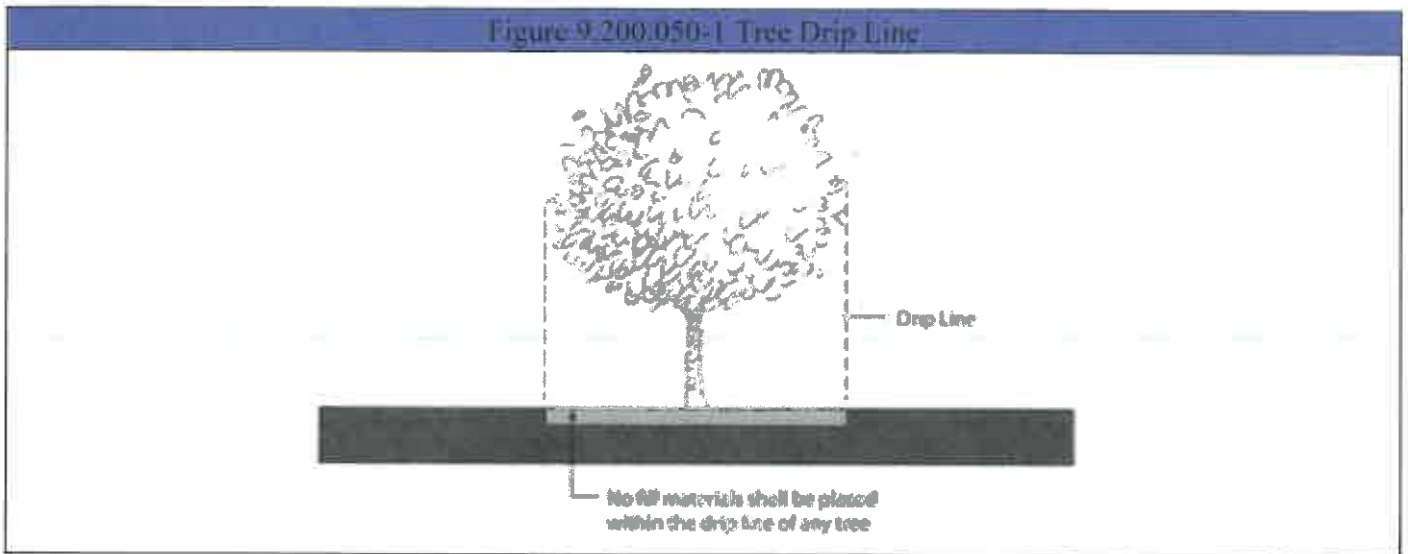
- A. Heritage tree removal. Heritage tree removal will require replacement with the largest nursery-grown tree(s) available as determined by the approval authority. Heritage tree relocation to another location on the site is the preferred alternative to replacement subject to a written report by a landscape architect or ISA-certified arborist on the feasibility of transplanting a heritage tree.
- B. Determine replacement value. To assist the approval authority in making a determination, the applicant for a tree removal permit may be required to submit an independent appraisal prepared by a horticulturist, ISA-certified arborist or licensed landscape architect to determine the replacement value of the tree(s) to be removed. The appraisal shall be based on the most recent edition of the "Guide for Establishing Values of Trees and Other Plants," prepared by the Council of Tree and Landscape Appraisers.

#### **9.200.050 Protection of Existing Trees**

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Care shall be exercised by all individuals, developers and contractors working near preserved trees so that no damage occurs to such trees. Construction projects shall preserve and protect the health of trees remaining on development sites, relocated trees and new trees planted to replace those removed in accordance with the following measures:

- A. Construction barrier. All trees to be saved shall be enclosed by an appropriate construction barrier, such as a chain-link fence or other means, prior to the issuance of a grading permit or building permit, or before commencement of work, whichever occurs first. Fences are to remain in place during all phases of construction and may not be removed until construction is complete.
- B. Protect roots. No substantial disruption or removal of the structural or absorptive roots of any tree shall be performed.
- C. Protect the drip line. No fill materials shall be placed, nor excavation occur, within the drip line of any tree. This is a guideline and is subject to modification to meet the needs of individual tree species as determined by an ISA-certified arborist or landscape architect.
- D. No compaction. No substantial compaction of the soil within the drip line of any tree shall be undertaken.



- E. Protect root system. No construction, including structures and walls, that disrupts the root system shall be permitted. As a guideline, no cutting of roots should occur within a distance equal to three and one-half times the trunk diameter, as measured at 4 feet from the surrounding grade. Actual setback may vary to meet the needs of individual tree species as determined by an ISA-certified arborist or landscape architect. Where some root removal is necessary, the tree crown may require thinning to prevent wind damage.
- F. Additional measures. The approval authority may impose such additional measures determined necessary to preserve and protect the health of the remaining trees, relocated trees and new trees planted to replace those removed.

### 9.200.060 Tree Maintenance

- A. Homeowner responsibility. The maintenance of trees on private or homeowner-owned property shall be the responsibility of the owner or owners of those properties.
- B. Industry standard maintenance. All trees on public and private property, within all zoning districts, shall be maintained in accordance with industry standards and in accordance with the International Society of Arboriculture or ANSI A 300 tree care standards.
- C. Fee of damage. Builders shall be required to prune, treat and maintain existing trees and plant new ones in such a fashion that when the trees come under the purview of the City, an association, or a private property



owner, the trees will be free of damage, pests, diseases and dead branches. The trees shall be in good biological and aesthetic condition upon acceptance.

### **9.200.070 Violations**

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- A. It is unlawful for any person to cause or permit any tree to be planted, maintained or removed in violation of the provisions of this chapter.
- B. Persons or entities who violate sections of this chapter may be found guilty of an infraction, or otherwise as a misdemeanor as determined by legal action.
- C. If the Community Services Director and/or Public Works Director find a violation of a section of this title, he/she shall, in writing, notify the responsible party of the violation. The responsible party shall be informed as to how the violation is to be corrected. The Community Services Department and/or Public Works Department may cause the violation to be abated if after 15 business days, the cause for the violation has not been corrected as directed. The responsible party will be subject to enforcement action, including but not limited to, issuance of an Administrative Citation in accordance with the provisions of Chapter 1.03 (Administrative Citations) of this Code..

### **9.200.080 Appeals**

---

- A. Final disposition. Any property owner may appeal a decision of the Public Works Department or Community Services Department to the Parks, Recreation and Trails Commission for final disposition pertaining to any finding, violation or other matter related to this chapter.
  - 1. The appeal must be made in writing and filed with the City Clerk within 15 days following notice of decision of the Community Services Department and/or Public Works Department. The appeal shall state the grounds for the appeal. The City Clerk shall, upon receipt of the appeal, set the matter for hearing before the Parks, Recreation and Trails Commission not less than 15 days but no more than 60 days following the filing of the appeal. The City Clerk shall give not less than 10 days written notice to the appellant and the owner of the affected property of the time and place of the public hearing by United States mail or by personal delivery as such owner is shown on the latest assessment roll of Riverside County.
  - 2. The failure of any person to receive said notice shall not affect the validity of any proceedings under this chapter. Appeals of violations can be appealed pursuant to Section 1.03.070 of this Code. Recoverable and applicable administrative citations fines and costs may be collected pursuant to Section 1.03.130 of this Code.
- B. Objections; notice; hearing.
  - 1. Should the request of a property owner to remove a tree within the public right-of-way or parkway or within a public park, public open space or trail area be denied, and such property owner wishes to appeal this decision, the appellant shall deposit, with the written appeal, a sum of money sufficient to cover the cost of the City Clerk having to publish twice in the local newspaper a notice of the intention to "kill, cut down or remove" a City-owned tree.
  - 2. The notice shall state the name of the applicant, the location of the tree and a statement to the effect that any person objecting to such removal must, in writing, notify the Community Services Department and/or Public Works Department of their objection and the reasons therefor. When the appeal fees and information is received by the City Clerk, he/she shall cause notice to be published twice in a local weekly newspaper of general circulation in the city.
  - 3. Consideration. At the time and place of the hearing, the Parks, Recreation and Trails Commission shall hear and consider all relevant evidence and information including, but not limited to, the report of the

Community Services Department and/or Public Works Department and testimony, written or oral, relative to the tree within the public right-of-way or parkway or within a public park, public open space or trail area requested for removal.

4. Continuation. The appeal hearing may be continued from time to time. Upon the conclusion of the public hearing, the Parks, Recreation and Trails Commission shall, on the basis of the evidence presented at the hearing, determine whether the tree within the public right-of-way or parkway or within a public park, public open space or trail area should be removed. If the Parks, Recreation and Trails Commission finds that the tree within the public right-of-way or parkway or within a public park, public open space or trail area should be removed, it shall, by resolution, require removal by the City in a reasonable time to be set forth in the resolution. The determination of the Parks, Recreation and Trails Commission may be appealed to the City Council on forms available within the City Clerk's office.

## **Chapter 9.205 Lighting Standards**

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### Contents:

- 9.205.010 Purpose
- 9.205.020 Applicability
- 9.205.030 Permit Requirements
- 9.205.040 Exempt Lighting
- 9.205.050 Prohibited Lighting
- 9.205.060 General Lighting Standards
- 9.205.070 Outdoor Lighting Plan Requirements

### **9.205.010 Purpose**

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This chapter establishes lighting standards to encourage effective, nondetrimental lighting; maintain nighttime safety, utility, security and productivity; and encourage lighting practices and systems which will minimize light pollution, prevent glare and light trespass, conserve energy and resources, and curtail the degradation of the nighttime visual environment, and preserve the visibility of night skies in accordance with the Lighting Standards requirements set forth in Chapter 6.01 (Dark Sky, Light Pollution) of this Code. If there is any conflict between this Chapter and Chapter 6.01, the more restrictive shall apply.

### **9.205.020 Applicability**

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The standards contained in this chapter shall apply to the following:

- A. Lighting plan. All residential, commercial, industrial, mixed-use and public/quasi-public uses require approval of a lighting plan by the designated approving authority.
- B. New uses and buildings. All buildings erected and all uses of land established after the effective date of this Title, including single-family residential shall comply with the requirements of this chapter.
- C. Modification to existing structures and uses. Lighting shall be provided as required by this chapter whenever an existing building is modified, or a use is expanded such that it creates an increase of more than 10% in the number of existing dwelling units for residential projects or more than 10% in the existing square footage of commercial or industrial projects, or where an amendment or modification would have a measurable impact on abutting property or public views.

### **9.205.030 Permit Requirements**

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Lighting is an integral component of nearly every development plan. Unless otherwise exempt, as outlined in Section 9.250.030 (Exempt Lighting), all outdoor lighting fixtures for new multifamily residential, commercial, industrial, mixed-use and public/quasi-public uses require approval of a lighting plan by the designated approving authority. Such approval shall be granted in conjunction with the required land use and development permits for a project. Any retrofit or amendment to an existing site and/or building lighting that would have a measurable impact on abutting property or views from the street right-of-way as determined by the Community Development Director shall require plot plan approval pursuant to Chapter 9.80

### **9.205.040 Exempt Lighting**

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The following items shall be exempt from review requirements:

- A. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas fixtures.
- B. Temporary lights used for holiday decorations.
- C. Lighting for temporary uses and special events permitted consistent with this code.

### **9.205.050 Prohibited Lighting**

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The following types of lighting are prohibited:

- A. Lighting that is not aimed directly down, or unshielded lighting or any light source that is directly visible from a distance of 25 feet or more.
- B. Flood lights.
- C. Neon tubing or band lighting along buildings and/or structures as articulation, except as approved through plot plan approval.
- D. Search lights, laser source lights or any similar high-intensity light, except for emergency use by police or fire personnel at their discretion, or for lighting approved by the City for a temporary event.
- E. Lighting fixtures operated in such a manner as to constitute a hazard or danger to persons or to safe vehicular travel.
- F. Illumination of entire buildings, except for public, civic and religious buildings.
- G. Roof-mounted lighting except for security purposes.
- H. Moving, flashing or animated lighting.

### **9.205.060 General Lighting Standards**

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Exterior lighting shall be minimized to prevent glare and minimize reflected, ambient light so as to maintain visibility of the night skies. Lighting should be limited to only areas necessary for safety, security and to compliment architectural character. Low-power, even and balanced lighting shall be utilized to avoid high contrast between more and less brightly lighted or unlighted areas which create dark pockets or oversaturate one area with a “fish bowl” effect, and the escalation of lighting levels.

The following standards shall apply to all outdoor lighting.

- A. Shielding. Except as otherwise exempt, all outdoor lighting shall be constructed with full shielding and/or recessed to reduce light trespass to adjoining properties. Each fixture shall be directed straight down and



away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the site.

- B. **Level of illumination.** Outdoor lighting shall be designed to illuminate at the minimum level necessary for safety and security and to avoid harsh contrasts in lighting levels between the project site and adjacent properties. Illumination standards are as follows:
1. The ratio of the maximum to minimum lighting levels shall not exceed 5:1.
  2. Parking lots, driveways, trash enclosures/areas, public phones and group mailboxes shall be illuminated with an average not to exceed 2 foot-candles of light.
  3. Convenience stores shall provide a maximum average level of illumination of 4 foot-candles across the parking lot during business hours.
  4. Pedestrian walkways shall be illuminated with a maximum average not to exceed 1 foot-candles of light.
  5. Entryways and exterior doors of nonresidential structures shall be the illuminated during the hours of darkness, with a minimum maintained 0.5 foot-candle of light, measured within a 5-foot radius on each side of the door at ground level.
  6. Light Zone 1 – Dark (Park & Rural Settings): Open Space, Agricultural and Rural Residential Zones. Exterior lighting shall produce a maximum initial illuminance of no greater than 0.01 horizontal and vertical footcandles at the site boundary and beyond. Document that 0% of the total initial design fixture lumens are emitted at an angle of 90 degrees or higher from nadir (straight down).
  7. Light Zone 2 – Low (Residential Areas): Residential Zones (LDR, LMDR, MHDR). Exterior lighting shall produce a maximum initial illuminance of no greater than the moon's potential ambient illumination of 0.10 horizontal and vertical footcandles at the site boundary and beyond, and no greater than 0.01 footcandles 10 feet beyond the site boundary. Document that no more than 2% of the total initial design fixture lumens are emitted at an angle of 90 degrees or higher from nadir (straight down).
  8. Light Zone 3 – Medium (Commercial, Industrial & High Density Residential Areas): HDR, CR, CO, BP, EDC, HI zones. Exterior lighting shall produce a maximum initial illuminance of no greater than 0.20 horizontal and vertical footcandles at the site boundary and beyond, and no greater than 0.01 footcandles 15 feet beyond the site boundary. Document that no more than 5% of the total initial design fixture lumens are emitted at an angle of 90 degrees or higher from nadir (straight down).
  9. Athletic facilities may exceed the specified levels of illumination as needed. Measures shall be taken to minimize glare off-site.
- C. **Maximum height of freestanding outdoor light fixtures.** The maximum height of freestanding outdoor light fixtures and related structures is limited as follows:
1. Eighteen (18) feet when abutting or within 25 feet of residential zoning district.
  2. No height limit for lights on public property when used to illuminate athletic fields.
  3. Twenty-four (24) feet for all other lights.
  4. Height shall be measured from the finish grade, inclusive of the pedestal, to the top of the fixture.
- D. **Accent lighting.** Architectural features may be illuminated by uplighting, provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Wherever feasible, solar-powered fixtures shall be used.
- E. **Signs.** Lighting of signs shall be in compliance with Chapter 9.265 (Sign Regulations) of this code.
- F. **Sports fields/outdoor activity areas.** Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed and shielded so that the light falls within the primary



- playing area and no significant off-site light trespass is produced. Lights shall be turned off within one hour after the end of the event, and no later than 11:00 p.m.
- G. Alternative designs, materials and installations. The respective designated approving authority may grant approval of alternatives to this section as part of a development review process.
  - H. Maintenance. Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
  - I. Hours of operation. Non-essential site lighting shall be controlled by timers to turn off after 11:00 pm or immediately after closing of non-residential uses.

### **9.205.070 Outdoor Lighting Plan Requirements**

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- A. At a minimum, an outdoor lighting plan shall include the following:
  - 1. Manufacturer specifications sheets, cut sheets and other manufacturer-provided information for all proposed outdoor light fixtures to show fixture diagrams and outdoor light output levels.
  - 2. The proposed location, mounting height and aiming point of all outdoor lighting fixtures.
  - 3. If building elevations are proposed for illumination, drawings of all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illumination level of the elevations and the aiming point for any remote light fixture.
  - 4. Photometric data including a computer-generated photometric grid showing foot-candle readings every 10 feet within the property or site and 10 feet beyond the property lines.
  - 5. Demonstration of conformance with Chapter 6.01 (Dark Sky, Light Pollution) of the Municipal Code.

### **Chapter 9.210 Performance Standards**

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#### Contents:

- 9.210.010 Purpose
- 9.210.020 Applicability
- 9.210.030 Air Quality
- 9.210.040 Heat Radiation and Electromagnetic Disturbances
- 9.210.050 Glare
- 9.210.060 Noise Control Regulations
- 9.210.070 Vibrations
- 9.210.080 Property Maintenance
- 9.210.090 Hazardous Materials

#### **9.210.010 Purpose**

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This chapter establishes general uniform performance standards across all zones in order to ensure compatibility of operations with surrounding areas and land uses generally while continuing to implement the adopted General Plan.

#### **9.210.020 Applicability**

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The standards in this chapter shall apply to the construction, change or expansion of a use or structure in all zones as applicable pursuant to each section noted below.

### **9.210.030 Air Quality**

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- A. **Discharge Prohibited.** The operation of any structure or use shall not directly or indirectly discharge air contaminants (e.g., carbon, dust, fumes, gases, mist, noxious acids, odors, particulate matter, smoke, soot, sulfur compounds) into the atmosphere that exceed any local, state or federal air quality standards or that might be obnoxious or offensive to anyone residing or conducting business either on-site or abutting the site.
- B. **Compliance with Rules and Regulations.** Stationary sources of air pollution shall comply with the requirements of the most recent Air Quality Management Plan and any rules identified by the California Environmental Protection Agency (CalEPA), the California Air Resources Board (ARB), and the South Coast Air Quality Management District (SCAQMD).
- C. **SCAQMD Permit Filing Requirements.** If requested by the Community Development Director, operators of uses, activities or processes that require SCAQMD approval to operate shall file a copy of the permit with the Community Development Department within 30 days of approval by SCAQMD.
- D. **Minimum Separation Distances.** The proximity of proposed sensitive land uses to air pollution sources should be considered in the siting of the sensitive use. For the purposes of this section, sensitive land uses are those land uses where individuals who are more susceptible to the effects of air pollution (e.g., athletes, children, the elderly, those with illnesses) than the population at large are most likely to spend time (e.g., schools and schoolyards, parks and playgrounds, day-care centers, nursing homes, hospitals, residential communities).
- E. **Odor Emissions.** Noxious odorous emissions in a manner or quantity that is detrimental to or endangers the public health, safety, comfort or welfare are declared to be a public nuisance and unlawful within City limits. Therefore, the noxious odor source shall be minimized and/or mitigated to prevent further emissions release.
- F. **Dust and Dirt.** Land use activities that may create dust emissions (e.g., construction, grading) shall be conducted so as to create as little dust or dirt emission beyond the boundary line of the parcel as possible, including, but not limited to, the following:
  - 1. **Scheduling.** Grading activities shall be scheduled to ensure that repeated grading will not be required and that implementation of the proposed land use will occur as soon as possible after grading.
  - 2. **Operations During High Winds.** Clearing, earthmoving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
  - 3. **Area of Disturbance.** The area disturbed by clearing, demolition, earthmoving, excavation operations or grading shall be the minimum required to implement the allowed use.
  - 4. **Dust Control.** During clearing, demolition, earthmoving, excavation operations or grading, dust emissions shall be controlled by regular watering, paving of construction roads or other dust-preventive measures (e.g., hydroseeding), subject to the approval of the City Engineer.
    - a. **Material(s) excavated or graded** shall be watered to prevent dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.
    - b. **Material(s) transported off-site** shall be either sufficiently watered or securely covered to prevent dust.
  - 5. **On-site Roads.** On-site roads shall be paved as soon as feasible. During construction, roads shall be watered periodically and/or shall be chemically stabilized.

6. **Revegetation.** Graded areas shall be revegetated as soon as possible to minimize dust and erosion. Portions of the construction site to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained, subject to the discretion of the City Engineer.
7. **Exhaust Emissions.** Construction-related exhaust emissions shall be minimized by maintaining equipment in good running condition and in proper tune in compliance with manufacturer's specifications. Construction equipment shall not be left idling for long periods of time.

### **9.210.040 Heat Radiation and Electromagnetic Disturbances**

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Existing and proposed uses shall not generate excessive heat, electrical disturbances or radioactive emissions that can or may be considered hazardous or a nuisance, or the use shall be shielded, contained or otherwise modified to prevent these generations, disturbances or emissions.

### **9.210.050 Glare**

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Any existing or proposed use that constitutes or may be considered a nuisance or hazard on any adjacent property due to emittance of excessive light or glare from mechanical or chemical processes or from reflective materials used or stored on the site shall be shielded or otherwise modified to prevent such emissions.

### **9.210.060 Noise Control Regulations**

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- A. **Intent.** At certain levels, sound becomes noise and may jeopardize the health, safety or general welfare of city residents and degrade their quality of life. Pursuant to its police power, the City Council hereby declares that noise shall be regulated in the manner described herein. This chapter is intended to establish citywide standards regulating noise. This chapter is not intended to establish thresholds of significance for the purpose of any analysis required by the California Environmental Quality Act (CEQA), and no such thresholds are hereby established.
- B. **General Exemptions.** Sound emanating from the following sources are exempt from the provisions of this chapter:
  1. Facilities owned or operated by or for a governmental agency.
  2. Capital improvement projects of a governmental agency.
  3. The maintenance or repair of public properties.
  4. Public safety personnel in the course of executing their official duties, including, but not limited to, sworn peace officers, emergency personnel and public utility personnel. This exemption includes, without limitation, sound emanating from all equipment used by such personnel, whether stationary or mobile.
  5. Public and private schools and school-sponsored activities.
  6. Agricultural operations on land designated Agriculture in the City's General Plan, or land zoned AG (Agriculture), provided such operations are carried out in a manner consistent with accepted industry standards. This exemption includes, without limitation, sound emanating from all equipment used during such operations, whether stationary or mobile.
  7. Wind energy conversion systems (WECS), provided such systems comply with the noise provisions of the Menifee Municipal Code.
  8. Property maintenance, including, but not limited to, the operation of lawnmowers, leaf blowers, etc., provided such maintenance occurs between the hours of 7:00 a.m. and 8:00 p.m.



9. Motor vehicles (factory equipped), other than off-highway vehicles. This exemption does not include sound emanating from motor vehicle sound systems.
  10. Heating and air conditioning equipment in proper repair.
  11. Safety, warning and alarm devices, including, but not limited to, house and car alarms, and other warning devices that are designed to protect the public health, safety and welfare.
  12. The discharge of firearms consistent with all state laws.
  13. Bars, nightclubs, cocktail lounges, cabarets, billiards/pool halls, restaurants, drive-ins and eating establishments that have a Conditional Use Permit for on-site alcohol sales and live entertainment (interior noise). Outdoor patios and similar areas shall be subject to the requirements of this chapter, unless conditioned otherwise under Conditional Use Permit review.
  14. The exemptions noted above shall only be granted under a Temporary Use Permit application where the following can be demonstrated:
    - a. That granting the exemption shall not create, in the opinion of the Community Development Director, either short- or long-term detrimental disturbances to the adjoining or surrounding properties, or to the community as a whole.
    - b. That such exemption shall not create a precedent that may be cited by others to justify further exemptions.
    - c. That if an exception is granted, reasonable conditions of approval may be imposed to minimize the public detriment, including, but not limited to, restrictions on sound level, sound duration and operating hours.
    - d. That a procedure shall be set in place, including designation of a contact person, phone number and address, with the ability and authority to immediately terminate the sound-creating event or activity if found to either be a short- or long-term detrimental disturbance or being conducted in a manner that is inconsistent with the Temporary Use Permit approval or any applied conditions of approval.
- C. Construction-Related Exemptions. Exceptions may be requested from the standards set forth in Section 9.210.060.E of this chapter and may be characterized as construction-related, single event or continuous events exceptions.
1. Private construction projects, with or without a Building Permit, located one-quarter of a mile or more from an inhabited dwelling.
  2. Private construction projects, with or without a building permit, located within one-quarter of a mile from an inhabited dwelling, shall be permitted Monday through Saturday, except nationally recognized holidays, 6:30 a.m. to 7:00 p.m, or specified in Section 8.01.010. There shall be no construction permitted on Sunday or nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer.
  3. Construction-related exceptions. If construction occurs during off hours or exceeds noise thresholds, an application for a construction-related exception shall be made using the temporary use application provided by the Community Development Director in Chapter 9.105 of this Title. For construction activities on Sunday or nationally recognized holidays, Section 8.01.010 of this Code shall prevail.
- D. General Sound Level Standards. No person shall create any sound, or allow the creation of any sound, on any property that causes the exterior and interior sound level on any other occupied property to exceed the sound level standards set forth in Table 9.210.060-1, Stationary Source Noise Standards.



Table 9.210.060-1 Stationary Source Noise Standards

Land Use	Interior Standards	Exterior Standards
10:00 p.m. to 7:00 a.m.	40 $L_{eq}$ (10-minute)	45 $L_{eq}$ (10-minute)
7:00 a.m. to 10:00 p.m.	55 $L_{eq}$ (10-minute)	65 $L_{eq}$ (10-minute)

- E. Sound Level Measurement Methodology. Sound level measurements may be made anywhere within the boundaries of an occupied property. The actual location of a sound level measurement shall be at the discretion of the enforcement officials identified in Section 9.210.060.G. Sound level measurements shall be made with a sound level meter. Immediately before a measurement is made, the sound level meter shall be calibrated utilizing an acoustical calibrator meeting the standards of the American National Standards Institute. Following a sound level measurement, the calibration of the sound level meter shall be reverified. Sound level meters and calibration equipment shall be certified annually.
- F. Special Sound Level Measurement Methodology. The general sound level standards set forth in Section 9.210.060.E apply to sound emanating from all sources, including the following special sound sources, and the person creating, or allowing the creation of, the sound is subject to the requirements of that section. The following special sound sources are also subject to the following additional standards; failure to comply with these standards constitutes separate violations of this chapter.
1. Motor vehicles.
    - a. Off-highway vehicles.
      - i. No person shall operate an off-highway vehicle unless it is equipped with a USDA-qualified spark arrester and a constantly operating and properly maintained muffler. A muffler is not considered constantly operating and properly maintained if it is equipped with a cutout, bypass or similar device.
      - ii. No person shall operate an off-highway vehicle unless the noise emitted by the vehicle is not more than 96 dBA if the vehicle was manufactured on or after January 1, 1986, or is not more than 101 dBA if the vehicle was manufactured before January 1, 1986. For purposes of this division, emitted noise shall be measured a distance of 20 inches from the vehicle tailpipe using test procedures established by the Society of Automotive Engineers under Standard J-1287.
    - b. Sound systems. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, between the hours of 10:00 p.m. and 8:00 a.m. the following morning, such that the sound system is audible to the human ear inside any inhabited dwelling. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, at any other time such that the sound system is audible to the human ear at a distance greater than 100 feet from the vehicle.
  2. Power tools and equipment. No person shall operate any power tools or equipment as specified in Section 8.01.010, such that the power tools or equipment is audible to the human ear inside an inhabited dwelling other than a dwelling in which the power tools or equipment may be located. No person shall operate any power tools or equipment at any other time such that the power tools or equipment are audible to the human ear at a distance greater than 100 feet from the power tools or equipment.
  3. Audio equipment. No person shall operate any audio equipment, whether portable or not, between the hours of 10:00 p.m. and 8:00 a.m. the following morning such that the equipment is audible to the human ear inside an inhabited dwelling other than a dwelling in which the equipment may be located.

No person shall operate any audio equipment, whether portable or not, at any other time such that the equipment is audible to the human ear at a distance greater than 100 feet from the equipment.

4. Sound-amplifying equipment and live music. No person shall install, use or operate sound-amplifying equipment, or perform, or allow to be performed, live music unless such activities comply with the following requirements. To the extent that these requirements conflict with any conditions of approval attached to an underlying land use permit, these requirements shall control.
  - a. Sound-amplifying equipment or live music is prohibited between the hours of 10:00 p.m. and 8:00 a.m. the following morning on Sunday through Thursday and between the hours of 11:00 p.m. and 8:00 a.m. the following morning on Friday and Saturday.
  - b. Sound emanating from sound-amplifying equipment or live music at any other time shall not be audible to the human ear at a distance greater than 200 feet from the equipment or music.
- G. Duty to Cooperate. No person shall refuse to cooperate with, or obstruct, any peace officer or code enforcement officer when he or she is engaged in the process of enforcing the provisions of this chapter. This duty to cooperate may require a person to extinguish a sound source so that it can be determined whether sound emanating from the source violates the provisions of this chapter.

### **9.210.070 Vibrations**

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All uses shall be so operated so as not to generate vibration discernible without instruments by the average person while on or beyond the lot upon which the source is located or within an adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains and temporary construction is exempted from this standard.

### **9.210.080 Property Maintenance**

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- A. Maintenance required. Buildings, structures, yards and other improvements shall be maintained in a manner that does not detract from the appearance of the immediate neighborhood.
- B. Prohibited conditions. The following conditions shall be prohibited:
  1. Dilapidated, deteriorating or unrepaired structures (e.g., fences, roofs, doors, walls, windows).
  2. Scrap lumber, junk, trash or debris.
  3. Abandoned, discarded or unused objects or equipment (e.g., automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers).
  4. Stagnant water or excavations, including pools and spas.
- C. Applicable regulations. Other applicable regulations on property maintenance include Chapter 11.40 (Abatement of Graffiti), Chapter 6.10 (Illegal Dumping), and Chapter 8.20 Nuisances Generally (Nuisances) of this Code.

### **9.210.090 Hazardous Materials**

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The following standards are intended to ensure that the use, handling, storage and transportation of hazardous substances comply with the Menifee General Plan Safety Element S-5: Hazardous Materials, and all applicable state laws (Government Code Section 65850.2 and Health and Safety Code Section 25505, et seq.) and that appropriate information is reported to the City.

A Conditional Use Permit is required pursuant to Chapter 9.40 (Conditional Use Permits) for the storage of hazardous materials in conjunction with an on-site primary use where quantities are in excess of the threshold specified in the Uniform Building Code.



For the purposes of this section, "hazardous substances" shall include all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Toxic Substances Control.

- A. Reporting Requirements. All businesses required by state law (Health and Safety Code 6.95) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Community Development Director at the same time these plans are submitted to the Fire Department.
- B. Underground Storage. Underground storage of hazardous substances shall comply with all applicable requirements of state law (Health and Safety Code Section 6.7, and Section 79.1 13(a) of the Uniform Fire Code). Businesses that use underground storage tanks shall comply with the following notification procedures:
  - 1. Notify the Fire Department of any unauthorized release of hazardous substances immediately and take steps necessary to control the release; and
  - 2. Notify the Fire Department and the Community Development Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.
- C. Aboveground Storage. Aboveground storage tanks for flammable liquids may be allowed subject to the approval of the Fire Department.
- D. Combustibles, Explosives and Discharge of Waste.
  - 1. The use, handling, storage and transportation of combustibles and explosives shall comply with the provisions of Title 19 of the California Code of Regulations, Chapter 10 (Explosives).
  - 2. No gasoline or other inflammables or explosives shall be stored unless the location, plans and construction conform to the laws and regulations of the State of California and have the approval of the City.
  - 3. All discharge of waste shall be in conformity with the provisions of Chapter 15.01 of this Title, as amended.
- E. New Development. Structures subject to the provisions of this development code, as well as all newly created parcels, shall be designed to accommodate a setback of at least 50 feet from any existing natural gas or petroleum pipeline. This setback may be reduced, only if the Community Development Director can make one or more of the following findings:
  - 1. The structure would be protected from the radiant heat of an explosion by berming or other physical barriers.
  - 2. A 50-foot setback would be impractical or unnecessary because of existing topography, streets, parcel lines or easements.
  - 3. A containment system or other mitigating facility shall be constructed, and the City Engineer finds that a leak would accumulate within the reduced setback area. The design of the system shall be subject to the approval of the City Engineer.

For the purpose of this section, a pipeline is defined as follows:

- 4. A pipe with a nominal diameter of 6 inches or more that is used to transport hazardous liquid, but does not include a pipe used to transport or store hazardous liquid within a refinery, storage or manufacturing facility; or
- 5. A pipe with a nominal diameter of 6 inches or more operated at a pressure of more than 275 pounds for each square inch that carries gas.

- F. Notification Required. A subdivider of a development within 500 feet of a pipeline shall notify a new/potential owner at the time of purchase and at the close of escrow of the location, size and type of pipeline.

## **Chapter 9.215 Parking and Loading Standards**

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### Contents:

- 9.215.010 Purpose
- 9.215.020 Applicability
- 9.215.030 Application Requirements
- 9.215.040 Development Standards
- 9.215.050 Parking Requirements for Uses Not Specified
- 9.215.060 Request for Modifications from Parking Standards
- 9.215.070 Alternative Programs for Parking
- 9.215.080 Parking Lot Landscape
- 9.215.090 Special Review of Parking
- 9.215.100 Electric/Alternative Fuel Vehicle Parking Requirement
- 9.215.110 Recreational Vehicle Parking

### **9.215.010 Purpose**

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The purpose of this chapter is to provide sufficient off-street parking and loading spaces for all land uses in Menifee and to ensure the provision and maintenance of safe, adequate and well-designed off-street parking facilities. It is the intent of this section that the number of required parking and loading spaces will meet the needs created by the particular uses. The standards for parking facilities are also intended to reduce street congestion and traffic hazards and to promote vehicular and pedestrian safety and efficient land use.

Off-street vehicle parking shall be provided in accordance with this section when the associated building or structure is constructed or the use is established. Additional off-street parking shall be provided in accordance with this section when an existing building is altered or dwelling units, apartments or guest rooms are added, or a use is intensified by the addition of floor space or seating capacity, or there is a change of use.

### **9.215.020 Applicability**

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- A. The provisions of this chapter apply to off-street parking, designed in accordance with the requirements of this chapter, shall be provided for:
1. All newly constructed buildings
  2. Additions to existing buildings
  3. Any change of use within an existing building
- B. All required parking shall be made permanently available and be permanently maintained for parking purposes.
- C. When calculating the required number of parking spaces, if the calculation results in a fractional parking space, the required number of parking spaces shall always be rounded up to the nearest whole number.

### **9.215.030 Application Requirements**

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A plot plan, pursuant to the provisions of Chapter 9.80 of this Title, shall be filed for approval of all off-street parking facilities, except for one- and two-family residences, unless the off-street parking facilities are approved as a part of a plot plan, conditional use permit or public use permit approval.

### 9.215.040 Development Standards

In the case of mixed land uses, the total number of parking spaces shall be the sum of the requirements for the various uses computed separately unless shared parking is approved.

The following Table 9.215.040-1, Parking Requirements, is designed to allow calculation of parking spaces required for the uses shown.

Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
General Commercial/Retail Uses				
Automobile repair and service shops/stations	1 space per 150 sq. ft. gross floor area	1 space per 3 employees of largest shift	4 spaces or service bays	
Banks and financial institutions	1 space per 250 sq. ft. gross floor area			Stacking for 6 vehicles prior to the drive-up window
Furniture and home furnishing stores	1 space per 750 sq. ft. of sale or display area			
Clubs, discos, ballrooms, cabarets, cocktail lounges, dance halls, lodges & incidental dancing areas, and similar facilities where dancing is the principal use	1 space per 30 sq. ft. of dance floor area			
General retail	3 spaces per 1,000 sq. ft. of gross floor area		See 9.215.040.A.1 below	
Personal Services (barber, beauty, nails, etc.)	1 space per 150 sq. ft. gross floor area			
Professional business offices	3 spaces per 1,000 sq. ft. of floor area			
Restaurants or similar use, including drive-through	8 spaces per 1,000 sq. ft. of gross floor area	1 space per 2 employees		Stacking for 6 vehicles prior to the menu board, or as required by a traffic



Table 9.215.040-1 Parking Requirements

Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
				impact assessment
Self-Storage, public storage facilities		2 spaces per 3 employees		
<b>Recreational Uses</b>				
Amusement parks including multiple activities (such as simulated flying, racing, and mini gold etc.), and arcades	1 space per 250 sq. ft. of gross floor area			
Auditoriums, event centers, bingo operations, and assembly areas, including live entertainment	1 space per 30 sq. ft. of net assembly area		1 space per 3 seats	
Billiard and pool rooms, bowling alleys	1 space per 250 sq. ft. of gross floor area			
Game courts, badminton, tennis, racquetball			1 space per court	
Golf Course			4 spaces per hole	
Golf driving ranges (not in association with full-scale course)			1 space per tee	
Health and Fitness clubs/gymnasiums, indoor	1 space per 200 sq. ft. of gross floor area			
Parks and recreational areas, private	1 space per 8,000 sq. ft. of active recreational area within a park or playground		1 space per acre of passive recreational area within a park or playground	
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks,	1 space per 30 sq. ft. of net assembly area			

Table 9.215.040-1 Parking Requirements

Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
stadiums, and commercial swimming pools)				
Theatres	1 space per 250 sq. ft. of gross floor area		1 space per 3 seats	
<b>Industrial Uses</b>				
Industrial uses	1 space per 250 sq. ft. of office area, PLUS 1 space per 500 sq. ft. of fabrication area, PLUS 1 space per 1,000 sq. ft. of storage area, AND 1 space per 500 sq. ft. of floor plan which is uncommitted to any type of use			
Manufacturing or repair plants maintaining more than one shift of workers	1 space per 2,000 sq. ft. of gross floor area			
Warehouse used exclusively for storage	1 space per 1,000 sq. ft. of gross floor area of warehouse, plus 1 space per 300 sq. ft. of office use			
<b>Residential Uses</b>				
Single-family	2 spaces per dwelling unit			
Duplex (two-family dwelling)	2 spaces per dwelling unit			
Multiple-family: single bedroom or studio	1.00 spaces per unit			
Multiple-family: two bedrooms	1.50 spaces per unit			
Multiple-family: three or more bedrooms	2.50 spaces per unit	1 space per employee		
Planned residential development: single-bedroom or studio	1.25 spaces per unit			
Planned residential development: two or more bedrooms	2.5 spaces per unit			

Table 9.215.040-1 Parking Requirements

Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Senior citizen development	1.25 per unit			
Mobile home park	2 spaces per travel trailer or mobile home space; spaces may be tandem		1 guest space per 8 mobile home spaces	
Accessory dwelling unit (ADU)	1 space per unit.		See 9.215.040.A.4 below	
<b>Mixed Use</b>				
Residential guest	1 space per each 10 dwelling units			
<b>Lodging Uses</b>				
Boarding houses, lodging or rooming houses, dormitories, fraternity and sorority houses			1 space per guest room	
Hotels and motels			1 space per guest room plus 1 space per 300 sq. ft. of meeting/conference or ballrooms	
Recreational vehicle	1 space per recreational vehicle site		1 visitor space per 5 recreational vehicle sites	
<b>Medical Uses</b>				
Assisted living and community care facilities		1 space per 3 employees	1 space per 3 beds, AND 1 space per vehicle owned and operated by the institution	
Hospitals		1 space per staff member of largest shift	1 space per 2 patient beds, AND 1 space per vehicle owned and operated by hospital or clinic	
Offices, clinics, including but not limited to medical, urgent care, eye care, dental and chiropractic	1 space per 200 sq. ft. of net leasable floor area			
Small animal hospitals and veterinary services (no	1 space per 300 sq. ft. of gross floor area			

Table 9.215.040-1 Parking Requirements

Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
outdoor facilities)				
<b>Civic/Religious Institutions</b>				
Art gallery, library, reading room, museum	1 space per 400 sq. ft. of gross floor area	1 space per 2 employees		
Cemeteries	1 space per 50 sq. ft. of net assembly room area	1 space per employee	1 space per vehicle operated on the grounds by the proprietary institution	
Funeral parlor, mortuary with crematorium	1 space per 50 sq. ft. of net assembly area	1 space per employee		
Religious institutions	1 space per 50 sq. ft. of net assembly area used simultaneously for assembly purposes		When a school bus is kept, a reduction of 5 spaces per bus is allowed	
<b>Public Utilities</b>				
Public utility substations and storage buildings		1 space per 2 employees	1 space per vehicle kept in connection with the use	
<b>Educational Institutions</b>				
Day care centers, including nurseries and preschools	1 space per 500 sq. ft. of gross floor area		When a school bus is kept, a reduction of 5 spaces per bus is allowed	
Elementary and intermediate schools	Whichever is greater: 1 per classroom, OR 1 space per 3 seats in the auditorium or multipurpose room		When a school bus is kept, a reduction of 5 spaces per bus is allowed	Loading/unloading space for at least 2 school buses, or as required by a traffic impact assessment
High schools		1 space per employee PLUS 1 space per faculty member, AND 1 space per 8 students	When a school bus is kept, a reduction of 4 spaces per bus is allowed	Loading/unloading space for at least 2 school buses
Colleges, universities,	Whichever is greater:	1 space per		

Table 9.215.040-1 Parking Requirements

Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
trade schools, business colleges, commercial schools	1 space per 30 sq. ft. of net assembly area of main auditorium or stadium OR	employee PLUS 1 space per faculty member, AND 1 space per 4 students		

- A. Conditions and Exceptions. The following are conditions and exceptions to the requirements of Table 9.215.040-1, Parking Requirements.
1. Existing, permitted, non-residential uses on lots less than 6,500 square feet are exempt from the parking requirements.
  2. Up to 2,500 square feet of floor area of non-residential uses in existing vertical mixed-use buildings are exempt from the parking requirements.
  3. No minimum requirement for residential or mixed-use reuse of listed historic structures.
  4. Accessory Dwelling Units (ADU): Additional parking shall not be required for an ADU in any of the following instances:
    - a. The ADU is located within one-half mile of public transit.
    - b. The ADU is located in an architecturally and historically significant historic district.
    - c. The ADU is part of the existing permitted structure or an existing accessory structure.
    - d. When on-street parking permits are required but not offered to the occupant of the ADU.
    - e. When there is a car-share vehicle located within one block of the ADU.
  5. Mixed-use guest parking. Guest parking spaces shall be distributed throughout the residential portion of the mixed-use development in a manner that allows an ease of use between the guest space and the location of the residential units. Guest spaces shall be marked as such and shall remain available for visitors to the property. These spaces are not to be used as additional parking for permanent residents or count towards required commercial parking within a mixed commercial/residential development.
  6. Unless otherwise specified, all parking must be within 600 feet of the use served, on the same parcel as the use or on an adjoining appropriately zoned parcel.
  7. All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area.
  8. Commercial parking stalls shall be within a building or screened with a combination of walls and landscaping. An alternative screening structure/device may be approved by the approval authority.
  9. Residential parking requirements set forth in this Chapter shall be provided within a parking structure or enclosed one- and two-car garages. Parking spaces shall be assigned to each individual unit. Individual one- and two-car garages shall maintain a minimum clear parking area of not less than 10 feet by 20 feet for a one-car garage and not less than 20 feet by 20 feet for a two-car garage. No storage



cabinets, areas designated for trash cans or recyclable containers, or mechanical equipment, including but not limited to, water heaters, utility sinks or washers and dryers, shall encroach into the required parking area.

**B. Layout Design Standards.**

**1. Location of Parking Areas**

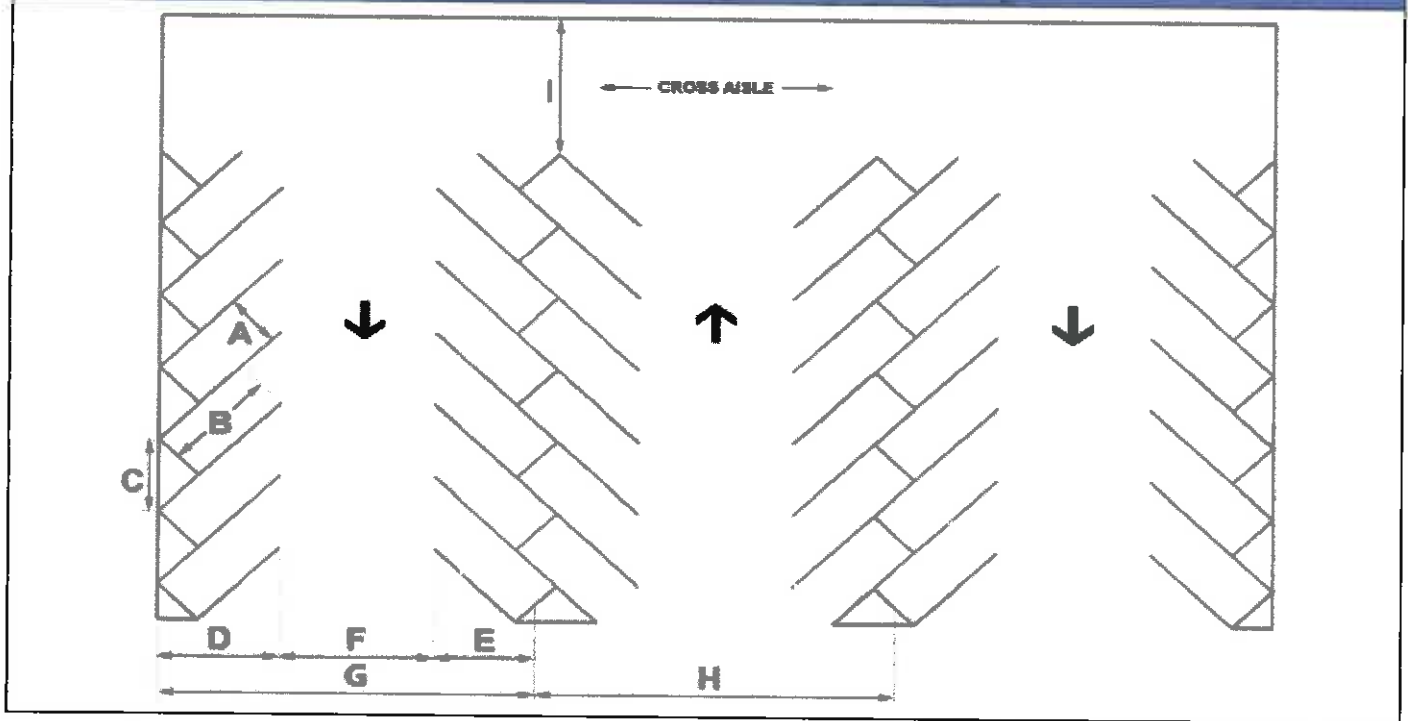
- a. No parking space shall be located within 3 feet of any property line. No parking space on a driveway providing direct access to a street shall be located closer than 30 feet from the property line at the right-of-way.

**C. Parking Space Specifications.**

- 1. The location and dimensions of parking spaces and aisles adjacent to parking spaces shall be provided in accordance with Table 9.215.040-2, Dimensions of Parking Spaces and Aisles.

Table 9.215.040-2 Dimensions of Parking Spaces and Aisles									
Parking Angle	Stall Width (feet)	Stall Length (feet)	Stall Width Parallel to Curb or Wall (feet)	Parking Space Depth to Wall or Curb (feet)	Parking Space Depth to Interlock (feet)	Maneuvering Aisle Width (feet)	Wall/Curb to Interlock Double Bay (feet)	Wall to Wall Double Parking Bay (feet)	Interlock to Interlock Double Bay (feet)
Figure Label	A	B	C	D	E	F	G	Not Shown	H
90°	9.0	18.0	9.0	18.0	18.0	24.0	60.0	60.0	60.0
75°	9.0	18.0	9.5	19.5	18.5	21.0	59.0	60.0	58.0
60°	9.0	18.0	10.5	20.0	17.75	17.5	55.25	57.5	53.0
45°	9.0	18.0	13.0	19.0	15.75	15.0	49.75	53.0	46.5
0°	9.0	22.0	NA	9.0	22.0	12.0	43.0	33.0	NA

Figure 9.260.040-2 Reference Drawing for Minimum Parking Dimensions



2. The width of driveways for one-family and two-family dwellings shall be 12 feet, and 24 feet for all other multifamily and non-residential uses, except as otherwise modified by the approval authority. All driveways located within a road right-of-way shall be approved by the City Engineer. Where parallel parking is allowed, the minimum width shall be increased by 8 feet for parking on one side and by 16 feet for parking on both sides.
3. Stub streets in excess of 150 feet shall have a minimum 45-foot radius turnaround at the end, or as otherwise approved by the Riverside County Fire Department/Cal Fire.

**D. Off-Street Parking Area Striping**

1. If five or more parking spaces are provided, each space shall be clearly marked with white paint or other easily distinguishable material.
2. If ten or more parking spaces are provided and one-way aisles are used, directional signs or arrows painted on the surface shall be used to properly direct traffic.

**E. Drainage**

1. All parking areas, including driveways, shall be graded to prevent ponding and to minimize drainage runoff from entering adjoining properties.

**F. Curbs, Bumpers, Wheel Stops or Similar Devices**

1. Public parking areas shall be equipped with permanent curbs, bumpers, wheel stops or similar devices so that parked vehicles do not overhang required walkways, planters or landscaped areas.
  - a. If the method used is designed to stop the wheel rather than the bumper of the vehicle, the stopping edge shall be placed no closer than 2 feet from the edge of any required walkway, planter or landscaped area, or from any building.
  - b. The innermost 2 feet of each parking space, between the wheel stop or other barrier, and any required planter or walkway, may either be paved or be planted with low ground cover.



2. This additional planting area is considered part of the parking space and may not be counted toward satisfying any landscaping requirement(s).

**G. Lighting**

1. Parking area lighting is not required. However, if parking areas are lighted, such lighting facilities shall be located to prevent lights from shining directly onto adjoining properties or streets.
2. Parking area lighting shall be of an energy-efficient type. However, in accordance with Chapter 9.200 Light Regulations, when such lighting is located within 30 miles of the Palomar Observatory, low-pressure sodium lamps shall be used. These lamps shall be oriented and shielded to prevent direct illumination above the horizontal plane passing through the luminaire.

**H. Walls**

1. All paved parking areas, other than those required for single-family residential uses, which adjoin property zoned residentially, shall have a 6-foot-high solid masonry wall with an anti-graffiti coating installed to preclude a view of the parking area from such adjoining property. However, any walls within 10 feet of any street or alley shall be 30 inches high.

**I. Loading Space Requirements**

1. On each lot used for manufacturing, storage, warehousing, goods display, a department store, a wholesale store, a market, a hotel, a hospital, a laundry, dry cleaning or other uses which involve the receipt or distribution by vehicles of materials or merchandise, adequate loading space for delivery vehicle stacking and for loading activities shall be provided and maintained. The loading space and delivery vehicle stacking area shall be located and designed so as to avoid undue interference with the public use of streets and alleys.
2. Each required loading space shall be paved with 6 inches of concrete over a suitable base and shall not be less than 10 feet wide, 35 feet long and 14 feet high.

MINIMUM NUMBER OF LOADING SPACES	
Gross Floor Area (square feet)	Number of Loading Spaces
7,499 or less	0
7,500 to 14,999	1
15,000 to 24,999	2
25,000 to 39,999	3
40,000 to 59,999	4
60,000 to 79,999	5
80,000 to 100,000	6
For each additional 100,000	6 plus 1

**J. Parking for Persons with Disabilities**

Parking spaces shall be provided for access by persons with disabilities in accordance with California Code of Regulations, Title 24.

**K. Bicycle Parking Facilities**

1. Bicycle Parking Facility Classifications. Bicycle parking facilities shall be classified as follows:
  - a. Class I. Covered, lockable enclosures with permanently anchored racks for bicycles.

- b. Class II. Lockable bicycle rooms with permanently anchored racks, where the bicyclist supplies only a padlock.
  - c. Class III. Lockable, permanently anchored bicycle racks, where the bicyclist supplies a padlock and chain or cable to secure the bicycle to the stationary object, typically a cement slab or vertical metal bar.
2. Bicycle Parking Requirements.
- a. Minimum Bicycle Parking Facilities. The minimum bicycle parking shall be provided per Table 9.215.040-5, Bicycle Spaces for Bicycle Parking Facility Class.

Table 9.215.040-5 Bicycle Spaces for Bicycle Parking Facility Class				
Bicycle Spaces for Bicycle Parking Facility Class				
Facility Class	INDUSTRIAL	RESTAURANTS AND COCKTAIL LOUNGES	COMMERCIAL, OFFICE AND SERVICE USES NOT OTHERWISE LISTED	Multi-Family
Employees	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I or Class II	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I or Class II	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I or Class II	A minimum of 2 bicycle spaces required.  Type: Class I, II, or III
Patrons or visitors	Type: N/A	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I, II or III	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I, II, or III	N/A
Tenants	N/A	N/A	N/A	1 bicycle space for every 20 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I, II, or III

**NOTES:**

1. Where the application of the provisions in the above table results in the requirement for a fraction of a bicycle parking space, such a space need not be provided unless the fraction exceeds 50 percent.
2. Where the application of the provisions in the above table results in the requirement of fewer than six employee spaces, Class II racks need not be placed within an enclosed lockable area.

- b. Design Standards. Bicycle parking facilities shall be installed in a manner which allows adequate spacing for access to the bicycle and the locking device when the facilities are occupied. General space allowances shall include a 2-foot width and a 6-foot length per bicycle and a 5-foot-wide

maneuvering space behind the bicycle. The facilities shall be located on a hard, dust-free surface, preferably asphalt or concrete.

- c. Exemptions. Requests for exemptions from bicycle parking requirements shall be made in writing to the Community Development Director.
  - i. Exemptions from bicycle parking requirements shall be submitted and processed concurrently with the project application.
  - ii. Exemptions may be granted depending upon the location of the site with respect to an urbanized area, the nature and hours of operation of the proposed use, and the accessibility of the site by bicycle at present and in the future.

### **9.215.050 Parking Requirements for Uses Not Specified**

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When parking requirements for a use are not specifically stated, the parking requirement for such use shall be determined by the Community Development Director based on the requirement for the most comparable listed use in this article.

### **9.215.060 Request for Modifications from Parking Standards**

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The Community Development Director may, without notice or hearing, permit modifications to the circulation and parking layout requirements where topographic or other physical conditions make it impractical to require strict compliance with these requirements.

### **9.215.070 Alternative Programs for Parking**

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- A. A residential, commercial or industrial project may provide for alternative programs which reduce parking demand in return for a reduction in the number of off-street parking spaces required.
- B. Alternative programs that may be considered by the Community Development Director under this provision include, but are not limited to, the following:
  1. Private Carpool/Vanpool Operations. Office or industrial developments which guarantee preferred parking spaces to employees who participate regularly in a carpool or vanpool may have their parking requirement reduced by 2 parking spaces for every one space which is marked for a carpool or vanpool at a preferred location.
  2. Mass Transit. Developments which are located within 150 feet of a mass transit facility may have their parking requirement reduced by 2% of the total number of required parking spaces.
  3. Planned Residential Development – Senior Citizen. A 20% reduction in the total number of required parking spaces may be allowed when an alternative senior citizen transportation program is proposed.
  4. Bicycle Parking. Developments which provide secured bicycle parking facilities exceeding the minimum requirement may reduce the number of required parking spaces by one vehicle space for every three additional bicycle spaces provided.
  5. Shared Parking Requirements. The Community Development Director may, upon application by the owner or lessee of any property, authorize shared use of parking facilities under the following conditions:
    - a. Sufficient evidence shall be presented to the Community Development Director to demonstrate that no substantial conflict in the principal hours or periods of peak demand will exist between the uses or structures which propose to share parking.



- b. The building or use for which an application for shared parking is being made shall be located within 150 feet of the parking area to be shared.
- c. No more than 50% of the parking space requirement shall be met through shared parking.
- d. Parties sharing off-street parking facilities shall provide evidence of a reciprocal parking agreement for such joint use by a proper legal instrument recorded in the office of the County Recorder with the number of copies as required and thereof filed with the City Clerk.

### **9.215.080 Parking Lot Landscape**

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See Section 9.240.050.M for parking lot landscape requirements and standards.

### **9.215.090 Special Review of Parking**

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- A. The approval authority may reduce the parking requirement otherwise prescribed for any use or combination of uses as part of the review of a development plan including, but not limited to, a plot plan, a conditional use permit, a public use permit, a surface mining permit, a parking study, a planned residential development or a specific plan, based on the following conditions:
  - 1. The applicant shall submit a request for modification of parking standards, including sufficient evidence and documentation, to demonstrate to the approval authority that unusual conditions warrant a parking reduction. Evidence shall include, but is not limited to, the following:
    - a. Information showing that the parking area serves uses having peak parking demands which occur at different times.
    - b. Floor plans which indicate that the floor area devoted to customer or employee use is less than typical for the size building proposed.
    - c. Documentation that other programs which will be implemented by the developer or tenant(s) will result in a reduced parking demand, such as the provision of monetary incentives to employees who regularly utilize public transit or participate in a carpool or vanpool.
  - 2. As a condition of approval of the parking reduction, the applicant may be required to record agreements or covenants prior to issuance of a building permit, which assure that appropriate programs will be implemented for the duration of the parking reduction.

### **9.215.100 Electric/Alternative Fuel Vehicle Parking Requirement**

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Electric/alternative fuel vehicle parking and charging stations shall be provided in accordance with the following standards.

- A. **Applicability.** Parking spaces with electric recharge stations shall be provided in new developments or remodeling or expansion of existing development that provide at least 250 vehicle parking spaces and where calculated costs are estimated to exceed \$200,000.
- B. **Number of Spaces Required.** One Level 2 or 3 conductive and one inductive charger shall be provided in each project required to provide between 250 and 500 parking spaces, with an additional conductive and inductive charger provided for each additional 250 required parking spaces.
- C. **Permit Requirements.** All applicable electrical and building permit requirements, restrictions and inspections shall apply to the construction of charging/exchange stations.
- D. **Level 1/Level 2 Stations.** Level 1 or Level 2 electric vehicle charging stations are permitted within residential zones internal to the garage to serve the occupants of the individual dwelling unit or residential building.

- E. **Level 3 Stations.** Level 3 or commercial grade charging/exchange stations/spaces are restricted to service stations or parking lots within commercial, industrial and mixed-use zones (CR, CO, BP, HI, and EDC). Charging stations/spaces:
1. Shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or towaway provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
  2. Shall be sited within parking areas to discourage non-electric vehicle use.
  3. Shall not interfere with on-site parking or pedestrian circulation.
  4. Shall be maintained in functioning order in all respects.

### **9.215.110 Recreational Vehicle Parking**

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Recreational vehicles (RVs) may be parked in single-family residential zones provided:

1. The vehicle is not used for dwelling purposes.
2. There shall be no connection to utilities or services.
3. The vehicle is kept only in the rear yard.
4. The vehicle is kept on a paved or other suitably stabilized surface to the satisfaction of the City Engineer.
5. There shall be no extra curb cut created to accommodate the vehicle.
6. The vehicle has a current registration.

### **Chapter 9.220 Sign Regulations**

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Contents:

- 9.220.010 Purpose
- 9.220.020 Applicability
- 9.220.030 Types of Sign Permits
- 9.220.040 Prohibited Signs
- 9.220.050 Signs Exempt from Permit Requirement
- 9.220.060 Application Process
- 9.220.070 Appeals
- 9.220.080 Administrative Relief
- 9.220.090 Sign Violations and Enforcement
- 9.220.100 General Regulations
- 9.220.110 Message Substitution
- 9.220.120 Sign Measurement Standards
- 9.220.130 Permanent On-Site Sign Standards
- 9.220.140 Temporary On-Site Commercial Sign Standards
- 9.220.150 Off-Site Commercial Signage
- 9.220.160 Electronic Display Signs
- 9.220.170 Nonconforming Signs and Abandoned Signs

#### **9.220.010 Purpose**

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The City recognizes that signs are an essential element of a community's visual appearance and provide a means to identify and promote businesses and present information to the public. With proper regulation, signs may be displayed in a manner that effectively communicates their message while maintaining an attractive community appearance and ensuring they do not become visual distractions that pose potential safety issues. These regulations are intended to create a comprehensive and balanced system of sign regulation that will facilitate communication and simultaneously serve various public interests, including, but not limited to, safety and community aesthetics.

### **9.220.020 Applicability**

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All signs, both permanent and temporary, require a permit prior to being placed or erected, unless specifically exempt from permitting requirements under this chapter. The permits required under this chapter are in addition to any other permits, licenses, or other approvals required by local, state or federal law or regulation.

### **9.220.030 Types of Sign Permits**

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- A. Temporary sign permits. A temporary sign permit shall be required for all temporary signs prior to erection, relocation, alteration or replacement, unless otherwise exempted by this chapter.
- B. Standard sign permit. A standard sign permit shall be required for all permanent signs prior to erection, relocation, alteration or replacement, unless otherwise exempted by this chapter. A standard sign permit shall not be required for general maintenance of existing signs or the replacement of the sign face (including message) when the area of the sign is not being changed and a building permit is not required (e.g., the replacement of a sign face on a can sign). In addition, a standard sign permit shall not be required if a master sign program has been approved for the property on which the sign will be located, and the sign is consistent with the existing master sign program.
- C. Master sign program. A master sign program shall be required for all multi-tenant shopping centers, office parks and other multi-tenant, mixed-use or otherwise integrated developments of three or more separate tenants/uses that share buildings, public spaces, landscape and/or parking facilities. The purpose of a master sign program is to allow for the integration of a project's signs with the design of the structures to achieve a unified architectural statement of high quality.

### **9.220.040 Prohibited Signs**

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The signs listed in this section are inconsistent with the purposes and requirements of this chapter and as such are prohibited in all zoning districts, unless specifically authorized by another provision of this chapter.

- A. Any sign inconsistent with the requirements of this chapter.
- B. Roof signs or signs placed above the roofline, except if allowed as part of an approved master sign program.
- C. Blinking and flashing signs.
- D. Pennants, banners, A-frame ("sandwich board") signs, and flags displaying a commercial message unless allowed through a temporary sign permit.
- E. Signs which are mobile, rotate or move, except if allowed as part of an approved master sign program.
- F. Signs which block a pedestrian path of travel.
- G. Obscene or unlawful advertising.
- H. Off-site commercial signs, except as provided in Section 9.220.150 (Allowed Off-Site Signage).

- I. Signs placed in the public right-of-way or affixed to an element or structure on the public right-of-way, or located on a tree, fence, utility pole or other item located on public property, except where required by a governmental agency.
- J. Inflatable balloon signs, including, but not limited to, individual balloons, balloon strings and other inflatable objects made of a flexible material and inflated so as to be lighter than air, except if approved as part of a temporary sign permit for a property occupied by an auto center. This category also includes air-activated or air-blown signs and "air dancer" signs.
- K. Neon-style signs with or without exposed tubing, except as otherwise permitted for commercially zoned property and as part of exempt window signage as described in 9.220.050.
- L. Painted signs, such as signs painted on a fence, unless a noncommercial mural or part of a master sign program.
- M. Signs affixed to vehicles or trailers that advertise or promote a business that are the primary purpose of the vehicle (e.g., rolling billboard). This prohibition does not apply to signs permanently affixed to the side of a business or commercial vehicle (e.g., vehicle wraps on a delivery or service vehicle) or to signs required by state or federal law (e.g., contractor's license number).
- N. Signs attached to light standards unless part of a master sign program or the City's street banner program.
- O. Signs affixed to or placed on a structure or property not owned by the person installing the signs without the written consent of the structure or property owner.
- P. Signs that are dilapidated, abandoned or in disrepair or dangerous condition.
- Q. Pole signs.
- R. Any sign not expressly authorized pursuant to this chapter.

### **9.220.050 Signs Exempt from Permit Requirement**

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The following sign types are expressly exempted from the permit requirements of this chapter so long as they comply with the standards set forth in this section.

- A. Official traffic signs or other municipal governmental signs, legal notices, signs required by law and placed by governmental entities, public utility and safety signs required by law, and any notice posted by a governmental officer in the scope of his or her duties.
- B. Direction, warning or information signs or structures required or authorized by law, or by federal, state, county or city authority, including, but not limited to, traffic control signs (e.g., stop, yield), highway route number signs and construction zone signs.
- C. Noncommercial utility company signs identifying cables, conduits and dangerous situations.
- D. Street address signs on buildings and building identification signs consistent with the City-adopted building code, all applicable provisions of the City Municipal Code and standards set by the entity providing fire protection services in the city. Notwithstanding anything to the contrary in this chapter, street address signs may be illuminated and may contain reflective paint or materials.
- E. Signs and advertising for the California state lottery that are authorized by state law.
- F. Signs on vehicles or vessels that are any of the following: license plates, license plate frames, registration insignia, noncommercial messages, commercial messages relating to the business for which the vehicle or vessel is an instrument or tool, and messages relating to the proposed sale, lease or exchange of the vehicle or vessel.
- G. Noncommercial flags. Flags associated with a model home complex or other leasing or sale of homes shall not be considered noncommercial flags.



- H. Interior signs, not including window signs as defined in Section 9.220.050.P.
- I. Tombstones and similar identifying objects marking a grave.
- J. Signs on property undergoing construction or remodeling. One such sign is permitted per site for the duration of the active construction or remodel. The sign may not exceed 32 square feet in area and 8 feet in height, and it must be set back a minimum of 10 feet from the property line. Such signs shall not be illuminated and shall be removed within 30 days of the earliest of the following events: final building inspection approval, issuance of a valid certificate of occupancy, opening for business to the public or expiration of the building permit. If construction ceases for a period of 180 days, the sign shall be immediately removed, unless the City, in its sole discretion, allows the sign to remain.
- K. Signs on property for sale, lease or rent as follows, provided that such signs are removed within 10 days of close of escrow on the property or structure, or portion thereof, being sold, leased or rented:
  - 1. On residential property with 12 dwelling units or less, one sign not exceeding 4 square feet in area and not exceeding a height of 5 feet. On weekends and holidays, up to six signs to direct traffic to the subject property are allowed, provided each sign does not to exceed 8 square feet in area and 3.5 feet in height. All such signs shall be located outside the public right-of-way and shall not be illuminated.
  - 2. On multi-family property with more than 12 dwelling units, one sign (attached to building or freestanding) per street frontage not exceeding 24 square feet in area and not exceeding 5 feet in height. All signs shall be located outside the public right-of-way and shall not be illuminated.
  - 3. On nonresidential and mixed-use property, one sign per street frontage, not exceeding 32 square feet in area and 8 feet in height. The sign shall not be illuminated. One such sign is permitted per 600 feet of frontage along a given street.
- L. Internal directional signs, such as exit, entrance or other on-site pedestrian or vehicular traffic directional signs. The maximum height of any internal directional sign shall be 42 inches and the maximum area shall be 4 square feet. No advertising or message other than directional indications shall be displayed.
- M. Temporary noncommercial signs consistent with the following requirements:
  - 1. Temporary noncommercial signs on non-residential private property, not exceeding 32 square feet in aggregate area and not exceeding 6 feet in height.
  - 2. Temporary noncommercial signs on residential property, not exceeding 6 square feet in area per sign, not exceeding a height of 6 feet and not exceeding an aggregate area of 12 square feet. Such signs must be set back at least 3 feet from the public right-of-way and shall not project above the roofline of any structure.
  - 3. Temporary noncommercial signs on multi-dwelling-unit residential property, limited to one for each dwelling unit or rentable room on the property, not exceeding 4 square foot in area per sign and which are attached to and parallel with the building.
  - 4. Temporary noncommercial signs related to an event, limited to one per parcel with a maximum size of 4 square feet in area. Such signs may not be located in the public right-of-way. They may be placed no more than 15 days prior to the event to which they relate and must be removed no later than 7 days following the event. The 15-day limitation on advance placement of signs shall not apply to signs related to an election.
- N. Certain permanent noncommercial signs not exceeding a height of [X] feet and not exceeding an aggregate area of [X] square feet. Such signs must be set back at least [X] feet from the public right-of-way and shall not project above the roofline of any structure. While such signs are exempt from the permit requirement prior to placing, erecting, moving, reconstruction, changing copy on, altering, or displaying the sign, these





signs must be erected in compliance with the General Regulations set forth in Section 9.265.110 and the Permanent On-Site Sign Standards set forth in Section 9.265.140.

- O. Signs held by hand or personally attended to that display a noncommercial message, that are located on private property outside of any vehicular traffic lane and that are consistent with the following standards:
  - 1. The maximum aggregate size of all signs held or personally attended by a single person shall be 12 square feet. Apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area.
  - 2. The maximum size of any one sign which is held or personally attended by two or more persons is 32 square feet, measured on one side only.
  - 3. The sign must have no more than two display faces and may not be inflatable or air-activated.
- P. Window signs (permanent or temporary) shall not cover more than 30% of the window area for each window of a commercial establishment. A commercial establishment's window signage may include up to two neon-style signs, with a maximum aggregate area of 4 square feet, except as otherwise approved as part of a master sign program.

### **9.220.060 Application Process**

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- A. Method of application. An application for a standard sign permit, temporary sign permit or master sign program shall be made on the form(s) prescribed by the Community Development Department. The application shall be accompanied by a fee in an amount established by resolution of the City Council.
- B. Review authority. The Community Development Director, or his/her designee, shall be the review and decision-making authority for all sign permits required by this chapter, unless the sign permit application is accompanied by a variance request and/or is not exempt from review under the California Environmental Quality Act (CEQA). For sign permit applications accompanied by a variance request and/or that are not exempt from CEQA, the Planning Commission shall be the review and decision-making authority. In addition, the Community Development Director may, on a case-by-case basis, refer an application for a master sign program to the Planning Commission, in which case the Planning Commission shall be the review and decision-making authority for that application.
- C. Processing of applications.
  - 1. Completeness. The Community Development Director shall determine whether an application contains all the necessary information and items. If it is determined that the application is not complete, the applicant shall be notified personally or in writing, within 5 business days for temporary sign permits, 15 business days for standard sign permits and 30 business days for master sign programs, of the date of receipt of the application that the application is not complete and the reasons therefor, including a listing of any additional information necessary to render the application complete. The time frames set forth in this paragraph are subject to reasonable extension by the Community Development Director if notification from the City within such time frames is infeasible due to, for example, a holiday weekend.
  - 2. Disqualification. A sign application shall not be approved if:
    - a. The applicant has installed a sign in violation of the provisions of this chapter and, at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application.
    - b. There is any other existing code violation on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) which has not been cured

at the time of the application, unless the noncompliance is proposed to be cured as part of the proposed sign(s).

- c. The application is substantially the same as an application previously denied, unless (i) 12 months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application.
  - d. The applicant has not obtained any applicable required use permit.
- D. Multiple sign applications. When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign.
- E. Temporary or standard sign permit issuance. The Community Development Director shall issue a temporary sign permit within 5 calendar days of an application being deemed complete if the Community Development Director determines the proposed signs are in conformance with the requirements of this code. The Community Development Director shall issue a standard sign permit within 30 calendar days of an application being deemed complete if the Community Development Director determines the proposed signs are in conformance with the requirements of this code.
- F. Master sign program approval. The Community Development Director shall approve a master sign program, if exempt from CEQA and if no variance is required, if the Community Development Director determines the proposed signs are in conformance with the requirements of this code, and the design, location and scale of proposed signs for the integrated development are in keeping with the architectural character of the development. The Community Development Director may impose conditions in order to ensure compliance with this chapter and to prevent an adverse or detrimental impact on the surrounding neighborhood. Community Development Director may approve deviation from the requirements of this chapter where deemed consistent with the intent of the chapter.
- G. Form of decision. The Community Development Director's decision concerning a temporary sign permit, a standard sign permit or a master sign program shall be in writing and delivered to the applicant personally, electronically or via mail at the address provided on the application. The processing time periods set forth in this section may be waived by the applicant. If a decision is not rendered within the time periods described in this section, or as otherwise agreed to by the applicant, the application shall be deemed denied.
- H. Permits issued in error or in conflict with this chapter. Any approval or permit issued in error may be summarily revoked by the City upon written notice to the holder of the reason for the revocation. Any permit or authorization of any type issued in conflict with the provisions of this chapter shall be null and void.
- I. Inspections. Inspection and approval of foundations, as well as a building permit, are required when a sign includes a footing design. The purpose of such inspection is to allow the inspector to verify the size and depth of excavated footing, reinforcement method and the like. All signs subject to this permit requirement require final inspection and approval by both the Community Development Department and the Building and Safety Department.

### **9.220.070 Appeals**

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- A. Right to appeal. Any applicant aggrieved by a decision of the Community Development Director on an application for a temporary sign permit, a standard sign permit and/or a master sign program may appeal such decision to the Planning Commission, and the Planning Commission's decision may be appealed to the City Council. The City Council's decision shall be final.
- B. Appeal process. Appeals shall be filed and processed in accordance with Section 9.30.100 of this Title. Except for signs that constitute a significant and immediate threat to public health or safety, the status quo of the subject sign(s) shall be maintained during the time an appeal is pending.

## **9.220.080 Administrative Relief**

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- A. **Purpose.** The administrative relief procedure established by this section is intended to allow for flexibility in regulations when a standard is inapplicable or inappropriate to a specific use or design. Administrative relief approval is required when any deviation is proposed from the sign regulations set forth in this chapter. Administrative relief may not be granted for prohibited signs.
- B. **Persons eligible.** For signs to be located on private property, the property owner or authorized agent of the property owner may initiate a request for administrative relief. For signs to be located on public property, a request may be initiated by the person, business or organization that will be responsible for the sign.
- C. **Application.** The information listed below is required at the time an administrative relief application is submitted to the Community Development Department.
1. A complete and signed application.
  2. A letter of justification describing the request, including the specific provisions of this chapter from which relief is being sought. The letter shall also explain how the required findings for administrative relief can be made.
  3. A processing fee as set forth by resolution of the City Council.
  4. Other information as required by the Community Development Director.
- D. **Approving authority.**
1. The Community Development Director shall have the authority to approve an administrative relief request in accordance with Chapter 9.70 Minor Exceptions.
  2. Any request for administrative relief that is accompanied by an application for another land use approval, such as a conditional use permit, shall be acted upon by the approving authority for the other approval.
  3. For all other requests, the Planning Commission shall be the approving authority.
- E. **Hearing and notice.** In situations where the Community Development Director is acting as the approving authority, no public hearing or notice shall be required. In situations where the Planning Commission is acting as the approving authority, at least one noticed public hearing shall be held concerning the administrative relief request, and the Planning Commission shall by resolution approve, deny or approve in modified form the administrative relief request based on the findings set forth in division (f) of this section.
- F. **Findings.** In order for the approving authority to approve administrative relief from sign standards, it shall make all of the following findings:
1. The intent of this chapter is being preserved.
  2. The proposed sign will enhance and harmonize with other on-site signs and with the site, building and/or use being identified by the sign.
  3. The proposed sign will not negatively impact the aesthetics of the subject site or the surrounding properties.
  4. In determining whether a sign is compatible, the approving authority may consider the form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.
- G. **Appeal.** An action of the Community Development Director with respect to an administrative relief application may be appealed to the Planning Commission, and an action of the Planning Commission may

be appealed to the City Council. Appeals shall be filed and processed in accordance Section 9.30.100 of this Title.

- H. Enforcement and revocation. Any administrative relief approval may be revoked upon failure to comply with any of the conditions or terms of approval, or if any law or ordinance is violated in connection with the administrative relief approval.

### **9.220.090 Sign Violations and Enforcement**

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- A. Enforcement authority. In addition to any other person authorized to enforce the provisions of this code, the City Manager, or his or her designee, shall be authorized to enforce the provisions of this chapter.
- B. Public nuisance. Any sign erected, constructed, altered, enlarged, converted or moved contrary to the provisions of this chapter, and any illegal, abandoned or unmaintained signs, are hereby declared to be public nuisances.
- C. Removal of signs.
  - 1. Notice of violation. Where it is determined that a sign has been erected or installed in violation of this chapter, abandoned or improperly maintained, or an applicable permit has terminated or been revoked, or the sign is otherwise in violation of this chapter, written notice of such determination and the grounds therefor shall be sent or delivered to the owner of the sign or, where ownership is not known, to the owner of the property where the sign is posted. The notice shall give the owner 5 calendar days to remove the sign, to bring the sign into conformity with the provisions of this chapter or to appeal the determination, shall include instructions for how such appeal may be made and shall set forth the owner's right to reclaim the sign upon payment of costs. If the sign is not removed within that time period, the violation is not corrected, and an appeal is not received, the sign may be removed and stored by the City. Signs removed by the City that are not retrieved by the sign owner within 5 calendar days shall be considered abandoned and may be disposed of by the City.
  - 2. Emergency removal. When it is determined that the sign in question poses an imminent safety hazard or dangerous condition, such sign may be removed immediately and stored by the City. As soon as possible following removal of a sign, the sign owner, if known, shall be given a notice of violation and the right to a hearing by requesting such hearing within 5 calendar days of receipt of the notice of removal.
  - 3. Appeals. When timely requested, an appeal hearing shall be held within 10 calendar days of receipt of the written request. The hearing shall be presided over by a neutral hearing officer selected by the City, and the owner and the City shall be permitted to present evidence and cross-examine each other's witnesses. At the conclusion of the hearing, the hearing officer shall prepare a written decision which shall be delivered to the appellant within 10 days of the hearing. If the owner establishes the removal to be improper, the owner shall be entitled to a return of the sign without charge. In all other cases, the sign will be returned to the owner only upon payment of removal and storage costs. If the sign is not claimed within 30 days after the decision becomes final, the sign may be destroyed.
- D. Removal of temporary signs by unauthorized persons – prohibited. No person other than those authorized by this section shall remove any temporary sign from any property not owned or leased by that person, including any temporary sign within a public right-of-way.

### **9.220.100 General Regulations**

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- A. Construction requirements. Every sign and all parts, portions and materials thereof shall be manufactured, assembled and erected in compliance with all applicable state, federal and local laws and regulations. In addition, all signs shall comply with the following criteria:



1. All transformers, equipment, programmers and other related items shall be screened and/or painted to match the building or shall be concealed within the sign.
  2. All permanent signs shall be constructed of quality, low-maintenance materials such as metal, concrete, natural stone, glass and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements.
  3. All freestanding signs that incorporate lighting shall have underground utility service unless the lighting is solar-powered.
  4. All temporary signs and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed.
  5. Signs shall be constructed and located so as to not obstruct line of sight for pedestrians, bicyclists or vehicular drivers, and so as not to pose or create a safety concern.
  6. All signs shall be constructed in accordance with all applicable California Building Code and National Electrical Code provisions, as well as in compliance with all legally required clearance from communications and electric facilities.
  7. Sign support hardware shall be of a compatible material and design with the sign it supports and shall complement the architecture and design of building to which it is affixed, if any. Sign supports of a permanent sign shall be reviewed as part of the sign permit process.
  8. Signs shall be designed and oriented to minimize light or glare upon adjacent residential properties and public rights-of-way.
  9. Sign design, scale, color and materials shall be compatible in style with the building served by the sign.
  10. Signs shall not be affixed to a fence or a tree, shrub, rock or other natural object.
  11. Sign siting, generally.
    - a. Attached signs. Attached signs may be located along any frontage of a structure or building that faces directly onto a public right-of-way or an internal circulation path on the site. Orientation of signs such that they face directly onto adjacent residential property is to be avoided and is allowed only when there is no practical alternative and the impact of the sign from the residences is minimized.
    - b. Freestanding signs. The minimum setback distance for freestanding signs shall be 3 feet, measured from the edge of the public right-of-way or side of a driveway. All freestanding signs shall be located outside of any required clear visibility triangle. The minimum spacing distance between permanent freestanding signs, excluding on-site directory signs, shall be 50 feet.
- B. Maintenance requirements. Every sign and all parts, portions and materials thereof 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 cracked, broken surfaces, malfunctioning lights, missing sign copy or other non-maintained or damaged portions of a sign shall be repaired or replaced within 15 calendar days following notification by the City, or within such other extended time period approved by the City. Noncompliance with such a request will constitute a nuisance condition.
- C. Sign removal or replacement. When a sign is removed or replaced, all brackets, poles and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to signs undergoing routine maintenance.

### **9.220.110 Message Substitution**

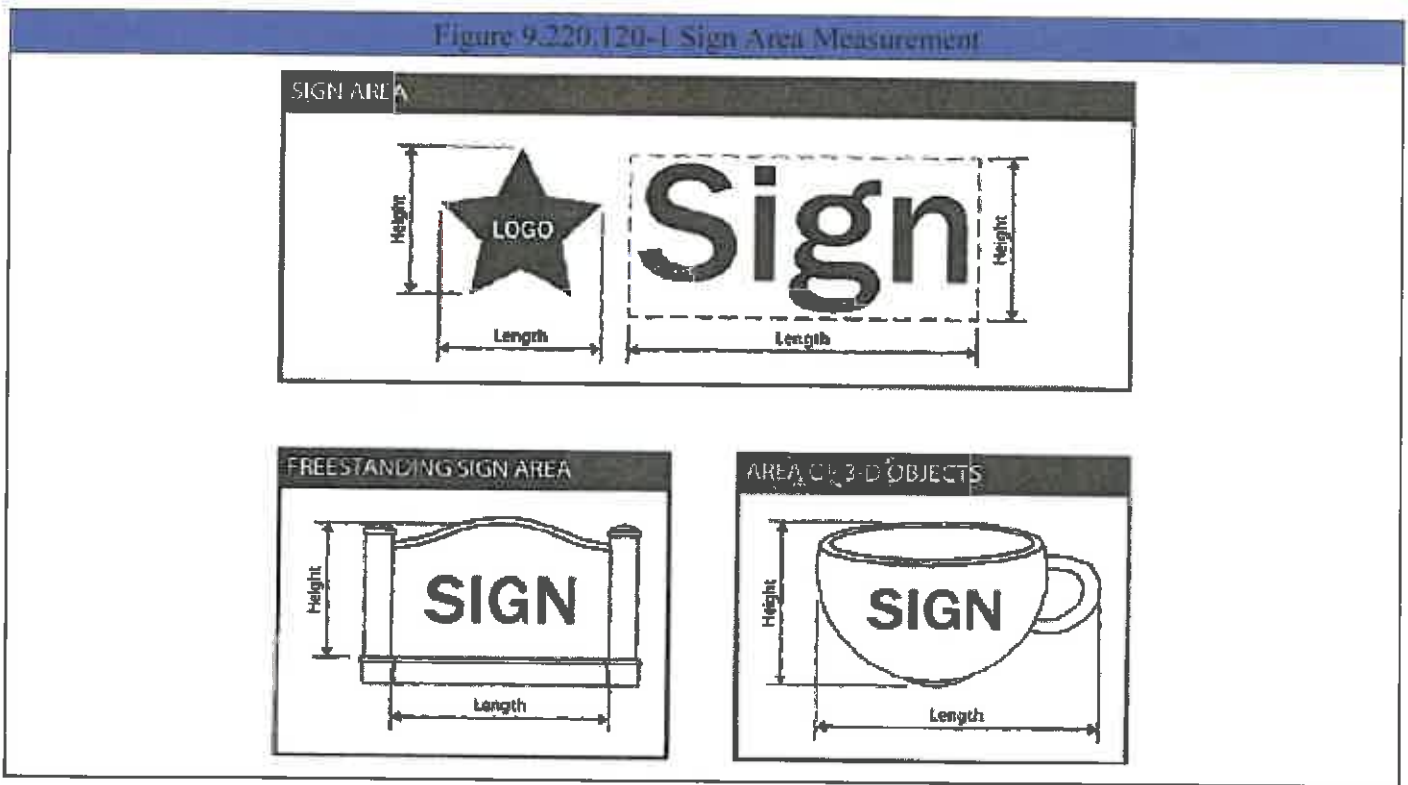
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Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign authorized pursuant to this chapter, without consideration of message content. The purpose of this requirement is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision does not allow for the substitution of an off-site commercial message in the place of an on-site commercial or noncommercial message.

**9.220.120 Sign Measurement Standards**

- A. Sign area measurement procedures. Sign area shall be computed by including the entire area within a single, continuous, rectilinear perimeter, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself. Backing plates shall count as part of the sign area unless they are transparent. In the case of two-sided, multisided, or three-dimensional signs, the area shall be computed as including the maximum single display surface which is visible from any ground position at one time. See Figure 9.220.120-1 (Sign Area Measurement).
- B. Sign height measurement. Sign height shall be measured from the base of the sign at finished grade to the top of the highest attached component of the sign. However, if the sign is constructed on an artificial berm, the height of the signs, as measured from the toe of slope or berm, shall not exceed 150% of the maximum height allowed by this chapter.



**9.220.130 Permanent On-Site Sign Standards**

- A. Purpose and intent. All permanent on-site signs, unless specifically exempt from permitting requirements under this chapter, require a sign permit as described in this chapter. Except as provided in divisions (d) through (h) of this section, permanent on-site signs shall be consistent with the standards listed in Table 9.220.130-1 (Signage Standards for Permanent On-Site Signs) as listed by base zoning district.
- B. General sign development and design requirements. The following general design requirements shall apply to permanent on-site signs.
1. Design compatibility with building. Signs shall be compatible with the architectural style of the main building or buildings on the site where the sign is located. Signs located on commercial sites but in a predominantly residential area shall consider compatibility with such residential area. In determining whether a sign is compatible, the Community Development Director may consider the form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.
  2. Sign illumination. The artificial illumination of signs, either from an internal or external source, shall be designed so as not to cast stray light on surrounding rights-of-way and properties. The following requirements shall apply to all illuminated signs:
    - a. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign.
    - b. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign.
    - c. Unless otherwise permitted by another requirement of this chapter, signs shall not have blinking, flashing or fluttering lights, or other illumination devices that have a changing light intensity, brightness or color.
    - d. Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices.
    - e. Light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations, as well as with all applicable provisions of this code, including Chapter 6.01 (Dark Sky; Light Pollution).
- C. Development and design standards for specific sign types. The following additional requirements shall apply to the specific sign types identified:
1. Awning, canopy and umbrella signs. Awning, canopy and umbrella signs may be permitted only as an integral part of the awning, canopy or umbrella to which they are attached or applied. They shall be considered wall signs for signage area calculation purposes; however, if the sign does not contain any text, it shall not be considered a sign for allowable signage area calculation purposes. Awning signs shall only be allowed for first- and second-story occupancies, and temporary signs shall not be placed on or attached to awnings, canopies or umbrellas unless authorized pursuant to a temporary sign permit.
  2. Monument signs. Monument signs shall only be permitted as follows:
    - a. In an effort to promote full architectural integration of signs, voids between the sign face and the sign structure are prohibited. Either the sign face shall utilize the full width of the sign structure or coverings that are architecturally consistent with the rest of the sign shall be used to fill any voids.
    - b. Materials and design for freestanding signs shall be complementary to the materials and design of the buildings for the related development. For example, if the facade of the building is made of brick or brick veneer, a complementary monument sign would also include brick.

- c. For monument signs in multitenant centers, the name of the center shall not be calculated in the maximum sign area. Rather, the name of the center shall have a separate maximum sign area of 8 square feet. All tenant signs shall have a minimum letter height of 8 inches. The maximum number of tenants is four tenants on each sign face. The two sign faces of a monument sign are not required to be identical in terms of tenant identification.
    - d. Landscaping shall be provided at the base of the sign. At a minimum, the landscape area shall be equal to the area of the sign. The approval authority may reduce this ratio during formal project review if found necessary and/or appropriate for the overall design of the proposed project. Landscaping shall be complementary to the landscaping for the overall site, shall be appropriately irrigated and shall include floral arrangements that include drought-tolerant annuals and perennials, which are designed to facilitate maintenance as well as to enhance aesthetic quality. The design of the landscaping shall be such that natural growth will not obscure the sign from the public right-of-way.
  3. Projecting signs. Projecting signs, including, but not limited to, blade signs, bracket signs and marquee signs, shall be considered wall signs for the purposes of sign area calculations. Projecting signs shall only be permitted as follows:
    - a. Location. Projecting signs shall be placed only on ground-floor facades, except for businesses located above the ground level with direct exterior pedestrian access and shall be spaced to maximize visibility of the signage.
    - b. Angle of projection. Projecting signs shall be located either at right angles to the building front along the building facade, or, when located on the corner of a building, at a 45-degree angle to the corner of the building.
    - c. Height. The lowest point of a projecting sign shall be a minimum of 8 feet above grade.
    - d. Projection and suspension. The sign may project a maximum of 5.5 feet from the building and shall be suspended with a clear space of at least 6 inches between the sign and the building.
    - e. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
    - f. Encroachment. Blade, bracket or marquee signs may not encroach into the public right-of-way or be located above it, into a designated emergency vehicle/fire access lane or into City-owned property without first obtaining an encroachment permit.
  4. Wall signs.
    - a. Wall signs shall not project more than 8 inches from the building facade.
    - b. Wall sign raceways shall be concealed from public view (e.g., within the building wall or otherwise integrated with the design of the sign and building) so as to not detract from the architectural character of the building.
    - c. Channel letters, reverse channel letters and pushpin letters are required. Use of can signs is prohibited.
    - d. Signage containing multiple elements (e.g., logo and text) on one facade shall be designed so that the multiple elements are located and scaled with relationship to each other.
    - e. Wall signs shall not extend more than seventy-five percent of the suite length for multi-tenant buildings or seventy-five percent of the facade/architectural element that the sign is placed on for a single tenant or multi-tenant buildings.
  5. Neon-style signs. Neon-style signs for business identification are only permitted in commercial zoning districts as part of a master sign program, except that up to two signs not exceeding 4 square feet

(combined) of neon-style window signage shall be allowed by right in all districts. Neon tubing shall be fully enclosed in a metal frame and covered with Plexiglas. Neon-style banding of buildings for architectural detailing is prohibited.

6. Menu/order board signs for drive-in and drive-through uses. Each drive-in or drive-through use is permitted two menu/order board signs and one clearance bar per drive-through lane. Such menu/order board signs and clearance bars shall not count as signs for purposes of Table 9.220.130-1 (Signage Standards for Permanent On-Site Signs), either in terms of number or area. The maximum height for a menu/order board sign shall be 6 feet and the maximum area allowed for each sign is 75 square feet. No alterations or additions (e.g., rider signs) along the exterior of a menu/order board sign or clearance bar are permitted.
  7. Home Occupation and Home-based businesses. Provided the business is properly licensed and in compliance with all other applicable laws and regulations, signage for home occupation and home-based businesses shall comply with Chapter 9.320.050.
  8. Regional centers and automobile centers. The maximum number of signs permitted, maximum area and maximum height of signs for regional shopping and automobile centers shall be determined as part of a master sign program. In addition to the allowable signage set forth in Table 9.220.130-1, regional centers and automobile centers are allowed one additional monument sign, with a maximum height of 55 feet, a maximum width of 20 feet, a maximum of two sign faces and a maximum sign area of 480 square feet per sign face (including center identification).
  9. Movie theatres. Permissible signage and associated regulations for movie theatres shall be as determined as part of a master sign program.
  10. Service stations. Signs for service stations shall be consistent with the standards in Table 9.220.130-2 (Signage Standards for Permanent On-Site Signs for Service Stations).
- D. Format and organization of standards. The signage standards listed below are summarized, where applicable, in table format for ease of use and organization. Concepts described in these tables are as follows.
1. Collective sign area. Allowable sign area either is a set square footage per establishment or is based on a ratio of allowable sign area to primary building frontage (e.g., 1 square foot of sign per 1 linear foot of primary building frontage, or 1 sf:1 lf). Where a ratio is described, it applies to the maximum sign area listed in Table 9.220.130-1 (Signage Standards for Permanent On-Site Signs). Sign area is calculated pursuant to Section 9.220.120 (Sign Measurement Standards). The total sign area allowed herein for each sign type may be distributed among the maximum number of signs permitted for that sign type. For commercial, office and mixed-use zoning districts, there are additional wall sign allowances for sub-establishments.
  2. Mixed-use zoning districts. In mixed-use zoning districts, signage for residential uses shall be consistent with the standards for residential zoning districts (e.g., as if the development were in a residential zoning district). For nonresidential uses, signs shall be consistent with the standards for commercial and office zoning districts.

Table 9.220.130-1 Signage Standards for Permanent On-Site Signs <sup>(1)</sup>				
Use Type	Sign Type	Development Standards		
		Maximum Number Permitted	Maximum Aggregate Area <sup>(1)</sup>	Maximum Height
Residential Zoning Districts				
Institution	Wall sign	1 sign per establishment	20 sf	Roofline



Table 9.220.130-1 Signage Standards for Permanent On-Site Signs<sup>(1)</sup>

Use Type	Sign Type	Development Standards			
		Maximum Number Permitted	Maximum Aggregate Area <sup>(1)</sup>	Maximum Height	
	Monument sign	1 sign per establishment	24 sf	6 ft.	
Multi-family complex, 12 units	Wall sign	1 sign per street frontage, maximum 2 signs	12 sf	Roofline or 20 ft., whichever is less	
	Monument sign			6 ft.	
Multi-family complex, > 12 units	Wall sign	1 sign per street frontage, maximum 2 signs	24 sf	Roofline or 20 ft., whichever is less	
	Monument sign			6 ft.	
Permanent subdivision identification sign	Wall sign	2 signs per development entry	24 sf	6 ft.	
	Monument sign			6 ft.	
School	Wall sign	1 per school	20 sf	Roofline	
	Monument sign		50 sf	20 ft.	
<b>Commercial and Office Zoning Districts</b>					
Establishments not in a multitenant center	Wall sign	1 wall sign per building face, max 3	Max 3 signs total between both types	1 sf: 1 lf, max 150 sf	Roofline or 20 ft., whichever is less
	Monument sign	1 sign per street frontage, max 2			
Retail establishments under 100,000 square feet in a multitenant center	Wall sign, primary establishment	1 sign per establishment per building face, max 3		1 sf: 1 lf, max 150 sf per establishment	Roofline or 20 ft., whichever is less
	Wall sign, sub-establishment	1 sign per sub-establishment building face, max 2		1 sf: 1 lf, max 75 sf total	
	Monument	1 sign per street frontage <sup>(2)</sup>		32 sf <sup>(3)</sup>	
Retail establishments over 100,000 square feet (freestanding or within multitenant center)	Wall signs, primary establishment	6 signs total (maximum 4 signs per building face)		1 sf: 1 lf max	Cannot project above wall plane
	Wall sign, sub-establishment	1 sign per sub-establishment building face, max 3		1 sf: 1 lf max 75 sf (total of 3 signs)	
	Monument signs	1 per street frontage <sup>(4)</sup>		72 sf	
Office establishments in a multitenant center with two stories or less	Wall sign	1 sign per establishment (not per tenant) per building face, max 2		1 sf: 1 lf, max 50 sf total per establishment	Roofline Letter height may not exceed: 2'6"



Table 9.220.130-1 Signage Standards for Permanent On-Site Signs<sup>(1)</sup>

Use Type	Sign Type	Development Standards		
		Maximum Number Permitted	Maximum Aggregate Area <sup>(1)</sup>	Maximum Height
				Logo height may not exceed: 4'
	Monument sign	1 sign per building per street frontage <sup>(2)</sup>	32 sf <sup>(3)</sup>	8 ft.
Office establishments in a multitenant center with three stories or more	Wall sign	2 building identification signs or primary tenant identification signs and 6 secondary tenant identification signs	3 story - 175 sf 4 story - 200 sf 5 story - 225 sf	Roofline. Letter height may not exceed: 3 story - 2'10" 4 story - 3' 5 story - 3'4" Logo height may not exceed: 3 story - 4'6" 4 story - 4'10" 5 story - 5'4"
	Monument Sign	1 sign per street frontage <sup>(2)</sup>	32 sf <sup>(3)</sup>	8 ft.
<b>Industrial Zoning Districts</b>				
All establishments	Wall sign	1 sign per establishment per building face, max 2	1 sf : 1 lf, max 150 sf total per establishment	Roofline
	Monument sign	1 sign per street frontage <sup>(2)</sup>	32 sf <sup>(3)</sup>	8 ft.

**Table Notes:**

1. Signage required by the Fire District's standards for multi-family and commercial/industrial facilities are exempt from the limits set forth in this table. In no case should any sign exceed 30% of the individual façade or architectural element in which the sign is located.
2. May be increased to 2 per street frontage when signs are spaced a minimum of 300 feet apart. Alternatively, the maximum area may be increased to 48 square feet when the site frontage is longer than 500 feet. In no case may these two allowances be combined.
3. On multitenant monument signs, the name of the center shall not be calculated in the maximum sign area. Rather, the name of the center shall have a separate maximum sign area of 8 square feet.
4. May be increased to 2 per street frontage when signs are spaced a minimum of 300 feet apart, but additional signs allowed per this section cannot exceed 8 feet in height and 32 square feet in area.

Table 9.220.130-2 Signage Standards for Permanent On-Site Signs for Service Stations				
Sign Type <sup>(1)</sup>	Development Standards			
	Maximum Number Permitted		Maximum Aggregate Area <sup>(2)</sup>	Maximum Height
Monument	1 sign per street frontage, max 2	Max 4 signs total between all types	36 sf	8 ft.
Wall sign, primary establishment	1 sign per street frontage, max 2		2 sf : 1 lf, max 50 sf	Roofline
Wall sign, canopy	1 sign per street frontage			Roofline
Wall Sign, sub-establishment	1 sign per sub-establishment, max 2		12 sf	Roofline or 20 ft., whichever is less

Table Notes:

(1) Temporary signs are subject to separate permit requirements and regulations set forth in Section 9.220.130 (Temporary On-Site Commercial Sign Standards) of this code.

(2) The total maximum area includes pricing information required by California Business and Professions Code Section 13530, et seq.

### 9.220.140 Temporary On-Site Commercial Sign Standards

- A. Permit required. With the exception of signs exempt from permitting requirements under this chapter, all temporary on-site commercial signs shall require a temporary sign permit prior to their placement. Temporary on-site commercial signs include, but are not limited to, signs for grand openings or for special product, sale or event advertising. Temporary on-site commercial signs must comply with the standards listed in Table 9.220.140-1 (Allowed Temporary On-Site Commercial Sign Standards).
- B. Time duration.
- Generally. Display periods for temporary on-site commercial signs shall be limited to a maximum of 90 days per calendar year, with a maximum of 45 consecutive calendar days at a time. Longer durations may be permitted through issuance of a conditional use permit.
  - Subdivision signs. All temporary on-site commercial signs for subdivisions shall be removed within 10 days after all lots in the subdivision are sold. The subdivider shall provide the City with a deposit in an amount established by resolution of the City Council to ensure compliance with such requirement.
- C. Illumination. Temporary signs shall not be illuminated.

Table 9.220.140-1 Temporary On-Site Commercial Sign Standards				
Sign Type	Development Standards			
	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW <sup>(1)</sup>
<b>On-Site Subdivision Signs</b>				
Flags	6 flags	15 sf per flag	15 ft.	5 ft.
Signs on model home sites	1 per model unit			
Sales center sign	1 per model complex	16 sf per side, max 2	6 ft.	3 ft.

Table 9.220.140-1 Temporary On-Site Commercial Sign Standards

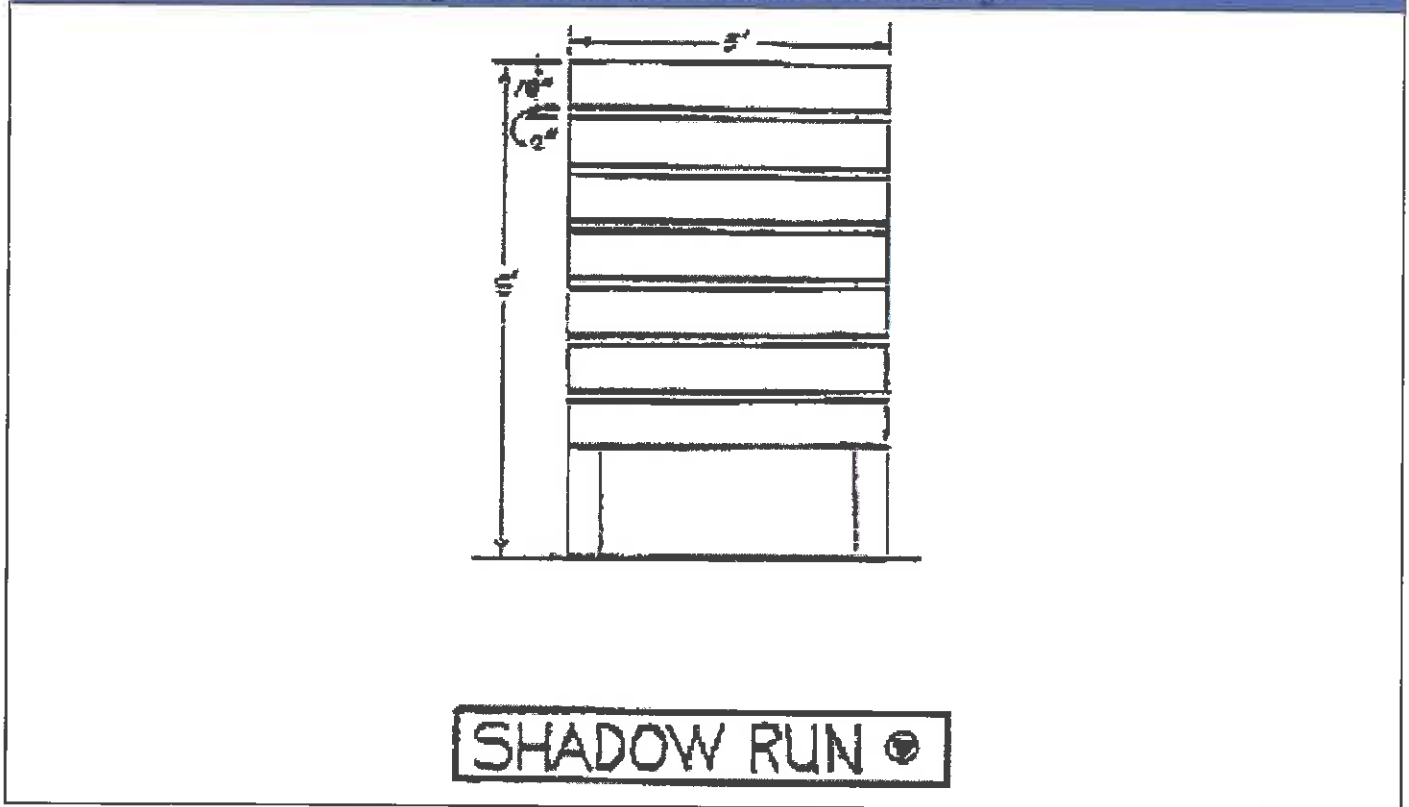
Sign Type	Development Standards			
	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW <sup>(1)</sup>
		sides		
Other signs	1 sign per street frontage of the boundary of the project	32 sf per side, max 2 sides (64 sf total)	15 ft.	5 ft.
All Other Uses <sup>(2)</sup>				
Wall	1 sign per establishment	50 sf	Roofline	5 ft.
Freestanding sign, excluding flags			8 ft.	5 ft.
Flags	1 flag	30 sf per flag	15 ft.	5 ft.
Table Notes:				
(1) Must be located outside of the clear visibility triangle.				
(2) Choice of two temporary sign types at a time, unless otherwise approved as part of a temporary event permit.				

### 9.220.150 Off-Site Commercial Signage

- A. General prohibition. Generally, all new off-site commercial signage is prohibited within the city. Existing off-site commercial signs (e.g., billboards) are considered nonconforming signs and regulated by Section 9.265.180 (Nonconforming Signs and Abandoned Signs). Notwithstanding the foregoing, off-site subdivision directional signs are allowed as provided in division (B) of this section. In addition, City signs and City-sponsored signs are exempt from the off-site commercial signage prohibition.
- B. Off-site subdivision directional signs.
1. Permit required. Off-site subdivision directional signs shall require a temporary sign permit.
  2. Standards. Off-site subdivision directional signs shall comply with the standards set forth in this division, in addition to the general standards applicable to all signs.
    - a. A maximum of six off-site signs may be used to lead customers to the subdivision site.
    - b. Signs shall be no larger than 60 inches by 10 inches and shall be grouped on a four-sided sign structure as shown in Figure 9.220.150-1 (Subdivision Directional Sign).
    - c. An off-site subdivision directional sign must be located at least 600 feet from existing or previously approved off-site subdivision directional signs.
    - d. A sign location plan shall be prepared showing the site of each directional sign and shall be submitted to the Community Development Department prior to the issuance of the temporary sign permit.
    - e. Any such sign approved for a particular subdivision within the city shall not be changed to advertise another subdivision without prior approval of the Community Development Director.
    - f. There shall be no additions, tag signs, balloons, streamers, devices, display boards or appurtenances added to the sign as originally approved.
    - g. All nonconforming subdivision directional signs associated with the subdivision in question must be removed prior to the issuance of a new sign permit.

3. Duration. Off-site subdivision directional signs shall be allowed until all lots in the subdivision are sold out.
4. Building Industry Association kiosk directional sign program. Off-site subdivision directional signs may be installed through the Building Industry Association (BIA) of Southern California's Riverside County Chapter without the subdivider obtaining a separate permit from the City so long as there exists a valid agreement between the City and the BIA concerning placement and regulation of such signs. All off-site subdivision directional signs installed through the BIA shall be regulated and installed per the agreement and approvals between the BIA and the City. The BIA shall not install any new structures without the express written consent of the Community Development Director. If the signs are to be located within the right-of-way, the express written consent of the Director of Public Works and Engineering must be obtained as well.

Figure 9.220.150- | Subdivision Directional Sign



### 9.220.160 Electronic Display Signs

- A. No new electronic display signs shall be established except as provided in this chapter. The City recognizes that as of the effective date of this chapter there are several electronic display signs in Menifee. Such signs, if legal at the time of their erection, are declared legal nonconforming signs and may continue to operate in accordance with Section 9.265.180(A) (Nonconforming and Abandoned Signs).
- B. The limitation established by this section shall not apply to the following types of signs.
  1. Manually changeable copy signs.
  2. Signs providing information on fuel price and grade and fueling stations.



3. Signs located on property occupied by an auto center or a movie theater use and that are approved as part of a master sign program.
4. Signs owned by the City.
5. Signs located on City property.
6. Signs for educational facilities.

### **9.220.170 Nonconforming Signs and Abandoned Signs**

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#### **A. Nonconforming signs.**

1. Except as otherwise provided by this section, all existing signs that were legally erected and which do not meet the requirements of this chapter shall be deemed legal nonconforming signs and shall either be removed or brought into compliance with the City's Municipal Code when a substantial alteration to the sign is made. Change of copy shall not be deemed a substantial alteration. For purposes of this section, a substantial alteration shall be defined as repair or refurbishing of any sign that alters its physical dimensions or height, or replaces any integral component of the sign including, but not limited to, alterations to exterior cabinets, bases or poles. In addition, substantial alteration shall also include any repair or refurbishing of a sign that exceeds 50% of the depreciated value of the sign and structure, excepting customary maintenance. Customary maintenance shall be defined as any activity or work performed for the purpose of actively maintaining the sign in its existing approved physical configuration and size dimensions at the specific location approved by the City and includes the following:
  - a. Repainting the sign text, cabinet or other component of the sign without changing the advertising message; or
  - b. Routine replacement of border and trim with substantially the same colors and materials.
2. A legal nonconforming sign may remain in use provided no additions or enlargements are made thereto and no substantial alterations are made thereto, except as permitted for customary maintenance in this section. If said nonconforming sign is destroyed or removed or ceases to be used for the use in existence as of the effective date of the ordinance codified in this chapter, every future sign at the same location must be in conformance with the requirements of this chapter.

- B. Abandoned signs. Abandoned signs may be abated by the City. For regulatory purposes, any factors indicating abandonment shall not begin occurring until 120 days after the effective date of this chapter.

### **Chapter 9.225 Waste Storage Facilities**

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#### **Contents:**

- 9.225.010 Purpose
- 9.225.020 Applicability
- 9.225.030 Permit Requirements and Exemptions
- 9.225.040 Development Standards

#### **9.225.010 Purpose**

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This chapter establishes standards for the provision and construction of waste storage areas to screen the waste container(s) from public view, maintaining any loose debris within the enclosure and providing a permanent location for the container(s) that will not encroach on driveways, parking, pedestrian and emergency access areas. The intent of these regulations is to comply with state law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911). The term “waste” shall be used in this section to represent refuse and recyclable materials.

### **9.225.020 Applicability**

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The standards contained in this chapter shall apply to the following:

- A. New uses and buildings. For all buildings erected and all uses of land established after the effective date of this Title, waste facilities shall be provided as required by this chapter.
- B. Modification to existing structures and uses. Whenever an existing building is modified, or a use is expanded such that it creates an increase of more than 10% in the number of existing dwelling units for residential projects or more than 10% in the existing square footage of commercial or industrial projects, waste facilities shall be provided as required by this chapter.

### **9.225.030 Permit Requirements and Exemptions**

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- A. Permit required. Consistency with the regulations contained in this chapter shall be reviewed concurrent with any required building permit or land use permit for applicable projects.
- B. Exemptions. The following projects are exempt from the requirements of this chapter:
  - 1. Residential projects of three units or less. Residential projects containing three units or less are not subject to the requirements in this chapter. Individual waste storage containers are still required.
  - 2. Temporary uses. Temporary uses shall not be required to provide an enclosure in accordance with this chapter. Waste storage containers are still required.

### **9.225.040 Development Standards**

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- A. Number of waste enclosure. Waste enclosures for multi-family residential, commercial and industrial uses shall be of sufficient size to accommodate the waste generated by the uses being served, consistent with the following standards, unless deemed appropriate by the approving authority. All nonresidential development shall have a minimum of one 60 square foot waste enclosure.
  - 1. Commercial. Commercial office and retail developments shall provide waste enclosures at a ratio of 60 square feet per 10,000 square feet of floor area or major fraction thereof.
  - 2. Restaurants. Fast food and take out restaurants shall provide exterior waste receptacles at public entrances and at drive-thru exits in addition to the enclosures required by subsection 1 of this section. Other restaurants shall provide the enclosures required by subsection 1 of this section.
  - 3. Industrial. Industrial buildings shall provide waste enclosures at a rate of 60 square feet per 10,000 square feet of gross floor area or major fraction thereof for the first 20,000 square feet of building area. Thereafter, waste enclosures shall be provided at a rate of 60 square feet for each 50,000 square feet of building area or major fraction thereof.
  - 4. Multi-family. One waste enclosure per four dwelling units (or fraction thereof) within multi-family dwelling unit projects.

- B. Screening of waste storage areas. All outdoor storage of waste, garbage, refuse and other items or materials intended for discarding or collection shall be screened from public view on three sides by a permanent waste enclosure.
  - 1. Materials and construction. Waste enclosures shall be sized to accommodate the required number of bins and shall be constructed of a 6-foot-high solid wall of 8-inch block construction, or similar permanent construction, on three sides using materials used in the primary structure, including masonry material, stucco, brick, stone or decorative concrete block. The fourth side shall be an opaque gate 6 feet in height made of wood or metal painted to match the surrounding wall. The waste enclosure shall also include a decorative or finished top or lid.
  - 2. Storage of recyclable and organic materials. A covered storage area, that is accessible for truck loading shall be incorporated into each waste enclosure for collection of recyclable and organic materials, consistent with California State Law (California Solid Waste Reuse and Recycling Access Act, Public Resources Code Sections 42900 through 42911).
  - 3. Visibility.
    - a. Gates of waste enclosures shall remain closed at all times, except when the enclosure is being accessed for refuse disposal or pickup.
    - b. Waste bins shall not be visible above the wall.
- C. Maintenance. The property owner shall keep all waste enclosures, including gates, maintained in a clean condition, free of graffiti, in good repair and in functional order at all times.
- D. Architectural treatment. All waste enclosures visible from streets or public parking areas shall be constructed and finished to be compatible with the architectural details and decor of the primary structure.
- E. Location.
  - 1. Waste enclosures shall not be located within the required front or street side setbacks and shall be located near a driveway that allows access by the waste pickup vehicles.
  - 2. Garbage containers or waste bins shall not be kept, placed or maintained so as to be visible from any public street or alley, except on days designated for waste collection.
- F. Modifications. Any variation from these standards shall be submitted to the Community Development Director for approval. The Director may approve or deny the proposed modification to achieve consistency between the design of the waste enclosure and the primary structure on-site, or when such modification is determined necessary to comply with the requirements of the waste hauler or state law.

## **Chapter 9.230 Utilities**

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### **Contents:**

- 9.230.010 Purpose
- 9.230.020 Applicability
- 9.230.030 Development Standards – Residential
- 9.230.040 Development Standards – Commercial and Industrial
- 9.230.050 Deferral of Undergrounding

### **9.230.010 Purpose**

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This chapter establishes requirements for the undergrounding of utilities, both on-site and off-site.

### **9.230.020 Applicability**

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The regulations contained in this chapter shall apply to the construction, change or expansion of a use or structure and require that utilities are undergrounded in accordance with the requirements in this chapter. The requirements of this chapter shall apply to the following:

- A. **New Uses and Buildings.** For all buildings erected and all uses of land established after the effective date of this Title, utilities shall be undergrounded as required by this chapter.
- B. **Modification to Existing Structures and Uses.** Whenever an existing building is modified, or a use is expanded such that it creates an increase of more than 25% in the number of existing dwelling units for residential projects of more than 10 units, or more than 25% in the existing square footage of commercial or industrial projects where such expansion exceeds 10,000 square feet in size, utilities shall be undergrounded as required by this chapter.

### **9.230.030 Development Standards – Residential**

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Utilities shall be installed in accordance with the following standards for residential projects:

- A. **Projects of More Than 10 Units.** All utilities serving residential projects of more than 10 dwelling units shall install underground utilities both on-site and in the public right-of-way, including existing utilities.
- B. **Projects of 10 Units or Less.** All utilities serving residential projects of 10 dwelling units or less shall install underground utilities as follows:
  - 1. **On-Site.** All on-site utilities shall be installed underground.
  - 2. **Public Rights-of-Way.** All utilities in the public right-of-way, including existing utilities, shall be installed in a manner consistent with the existing surrounding improvements directly abutting the subject property.

### **9.230.040 Development Standards – Commercial and Industrial**

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Utilities shall be installed in accordance with the following standards for all commercial and industrial projects:

- A. **Projects of More Than 4 Acres.** All utilities serving new commercial or industrial projects of more than 4 acres shall install underground utilities both on-site and in the public right-of-way, including existing utilities.
- B. **Projects of 4 Acres or Less.** All utilities serving new commercial or industrial projects of 4 acres or less shall install underground utilities as follows:
  - 1. **On-Site.** All on-site utilities shall be installed underground.
  - 2. **Public Rights-of-Way.** All utilities in the public right-of-way, including existing utilities, shall be installed in a manner consistent with the existing surrounding improvements directly abutting the subject property.

### **9.230.050 Deferral of Undergrounding**

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- A. **Applicability.** A request for deferral shall apply only to the undergrounding of existing off-site overhead utilities.
- B. **Request for Deferral.** Request for a deferral of undergrounding utilities shall be made in writing to the City Manager.
- C. **Approval Authority.**

1. For any project for which the Community Development Director is the designated approving authority, the City Manager shall have the discretion to either require the undergrounding of off-site utilities or defer such undergrounding, subject to the requirements of Subsection 9.230.050.D.
  2. For any project for which the Planning Commission or City Council is the designated approving authority, the applicable approval authority shall have the discretion to either require the undergrounding of off-site utilities or defer such undergrounding, subject to the requirements of Subsection 9.230.050.D.
- D. Findings for Approval and Requirements. Any approval for the deferral of utilities is subject to the following.
1. The request shall be supported by cost estimates prepared by a licensed professional and approved by the City Engineer. All cost estimates shall be provided by the applicant at the time of the request.
  2. A finding that the cost of such undergrounding or the impact of such undergrounding on adjacent properties exceeds a reasonable cost based on the scale of the proposed project.
  3. The property owner shall be required to enter into a deferred improvement agreement committing the participation of the property in its fair-share cost of such undergrounding at a future date.
  4. Undergrounding of utilities shall be in a manner consistent with the surrounding improvements directly abutting the subject property at the time such undergrounding of utilities occurs.

## **ARTICLE 5: SPECIAL USE STANDARDS**

### **Contents:**

- Chapter 9.235 Animal Keeping
- Chapter 9.240 Motor Vehicle and Related Uses
- Chapter 9.245 Bed & breakfast uses
- Chapter 9.250 Alcoholic Beverages Sales, Consumption and manufacturing
- Chapter 9.255 Home Occupation and Home-Based Businesses
- Chapter 9.260 Outdoor Sales, Display and Dining
- Chapter 9.265 Tattoo Establishments
- Chapter 9.270 Community Care Facilities
- Chapter 9.275 Hookah and Marijuana Uses
- Chapter 9.280 Recycling Facilities
- Chapter 9.285 Mobilehome Parks
- Chapter 9.290 Wireless Communication Facilities
- Chapter 9.295 Special Housing Types

### **Chapter 9.235 Animal Keeping**

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#### **Contents:**

- 9.235.010 Purpose
- 9.235.020 Applicability
- 9.235.030 Keeping of Animals
- 9.235.040 Fowl
- 9.235.050 Kennels

- 9.235.060 Miniature Pigs
- 9.235.070 Animal Maturity
- 9.235.080 Animal Grazing

### 9.235.010 Purpose

The purpose of this chapter is to provide reasonable standards for the keeping and raising of animals to avoid and minimize adverse impacts on adjacent properties and preserves the city’s quality and character. This chapter will allow for keeping of animals in limited numbers with reasonable controls and safeguards to protect the character of the community.

### 9.235.020 Applicability

- A. The requirements contained in this chapter shall apply to all animal keeping in the City of Menifee including domestic and farm animals, kennels, catteries, horse stables, boarding and riding academies.
- B. Any legally established nonconforming animal keeping use that became nonconforming upon adoption of this ordinance shall be permitted to continue subject to Chapter 9.15 (Nonconforming Uses, Structures).
- C. Animals may be kept on legally established lots of record that are less than the minimum lot size reference in Table 9.280.030-1 subject to compliance with setback regulations of the underlying zoning district and subject to approval by the Community Development Director.

### 9.235.030 Keeping of Animals

Animal keeping uses allowed in Article 3 (Zones) and listed in Table 9.235.030-1 shall comply with the standards listed in Table 9.235.030-1 (Animal Keeping Standards) and with all other standards and requirements of this section and with all other applicable ordinances and regulations.

Only the following animals may be kept in the following zones up to the maximum numbers listed, except where they create a public nuisance regardless of their numbers. Unless specified below, no animals or fowl, other than domestic pets, poultry and rabbits for the exclusive use of the occupant, shall be permitted on lots of less than 20,000 square feet. The keeping of animals is only allowed as an accessory use, except in the AG zone.

Table 9.235.030-1, Animal Keeping Standards					
Types of Animals/Use	Commercial (C) or Non-Commercial (NC)	Zones Permitted	Max Number of Animals per Site	Min Lot Size	Setbacks and Standards (See Table Footnotes)
Small Animals (e.g. hamsters, rabbits, chinchillas, and similar sized animals)	C	AG, RM, RR5, RR2, RR1, RR1/2	Per Approval Authority	1 acre	A
	NC	All Zones	30	--	A
Medium Animals (e.g. sheep, goats, pigs, and similar sized animals)	C	AG, RR5, RR2	Per Approval Authority	1 acre	A, B
	NC	AG, RR5, RR2, RR1, RR1/2	2 animals per ½ acre	½ acre	A



Table 9.235.030-1. Animal Keeping Standards

Types of Animals/Use	Commercial (C) or Non-Commercial (NC)	Zones Permitted	Max Number of Animals per Site	Min Lot Size	Setbacks and Standards (See Table Footnotes)
		LDR-1, LDR-2	1	7,200 SF	A
Large Animals (e.g. cows, horses, camels, llamas, and other similar sized animals)	C	AG, RR5, RR2, RR1	5 animals per acre	2 acres	A, B
	NC	AG, RR5, RR2, RR1	5 animals per acre	1 acre	A, B
		RR1/2, LDR-1, LDR-2	2 animals per 20,000 sq. ft. , maximum 4 animals	1 acre	A, B
Non-Crowing Fowl (hens, ducks, etc.)	C	--	--	--	--
	NC	AG, RR5, RR2, RR1	12	20,000 sq. ft.	A, C
			50	40,000 sq. ft.	A, C
		RM, RR1/2, LDR-1, LDR-2	4	7,200 sq. ft.	A, C
Crowing Fowl (e.g. roosters, turkeys, peacocks, etc.)	C	--	--	--	--
	NC	AG, RR5, RR2, RR1	10	1 acre	A, C
Kennels and Catteries	C/NC	AG, RR5, RR2, RR1, RR1/2	See classifications and 9.235.050	1 acre	9.235.050
		BP, HI	See classifications and 9.235.050	--	9.235.050
Stables/Boarding of Large Animals, Riding Academies	C	AG, RR5, RR2, RR1	5 animals per acre	1 acre	A, B
Aquaculture (commercial raising of fish, frogs, shellfish, algae, etc.)	C	AG, RR5, RR2	Per Approval Authority	1 acre	A
Apiary (beekeeping)	C	AG, RM, RR5	1 Hive for every 7,200 sq. ft.	7,200 sq. ft.	D
	NC	AG, RM, RR5, RR2, RR1, RR1/2, LDR-1, LDR-2	1 Hive for every 7,200 sq. ft.	7,200 sq. ft.	D

Table 9.235.030-1, Animal Keeping Standards

Types of Animals/Use	Commercial (C) or Non-Commercial (NC)	Zones Permitted	Max Number of Animals per Site	Min Lot Size	Setbacks and Standards (See Table Footnotes)
Aviary	C	--	--	--	--
	NC	AG, RM, RR5, RR2, RR1, RR1/2	50 birds per acre; more than 50 per Approval Authority	½ Acre	A
Animal Rescue	C/NC	AG, RR5, RR2, RR1, RR1/2, BP, HI	As otherwise permitted for each animal type permitted herein	1 acre	As otherwise permitted for each animal type permitted herein
Petting Zoo	C/NC	AG, RR5, RR2, RR1, RR1/2	As otherwise permitted for each animal type permitted herein	1 acre	As otherwise permitted for each animal type permitted herein
<p>A. Animals must be kept and maintained in an enclosed area, located not less than 20 feet from any property line and at least 50 feet from any residence existing at the time such use is established.</p> <p>B. Lots must be a minimum of 100 feet in width.</p> <p>C. Animals must be kept in the rear yard.</p> <p>D. Hives must be kept at least 50 feet away from any highways, roads, streets, public school or park property, or any structure used as a dwelling or as a place of business.</p>					

- A. Animals may be kept on any residentially zoned property in the maximum numbers identified in this chapter, provided the keeping of said animals does not constitute a nuisance.
- B. It shall be unlawful to keep a number of animals exceeding the numbers set out in this chapter, except as may be otherwise allowed by the approval authority.
- C. Approval Authority Conditions. The Approval Authority may require fencing and landscaping of the parcel limits on the number of animals to ensure the use is compatible with the surrounding area.

**9.235.040 Fowl**

- A. Development Standards. No keeping of Fowl shall be allowed unless it complies with the following standards:
  - 1. The proposed use must conform to all the requirements of the Menifee General Plan.
  - 2. The lot is zoned for the keeping or raising of fowl as a permitted use and subject to the restrictions of the zone.
  - 3. The fowl shall be kept in an enclosed area located not less than 20 feet from any property line and not less than 50 feet from any residence and shall be maintained on the rear portion of the lot in conjunction with a residential use. To mitigate potential noise and to avoid the creation of a public nuisance due to noise, the enclosed area shall be constructed, and the crowing fowl shall be maintained, as follows:
    - a. The fowl shall be kept in a solid walled acoustical enclosure with a solid roof attached to all perimeter walls of the enclosure.

- b. Fowl shall be confined inside the walled and roofed enclosure between the hours of 8:00 p.m. and 6:00 a.m. each day.
  - c. The walled and roofed enclosure shall be completely screened, except for its entry, by landscaping, including trees and shrubbery.
  - d. All fowl shall be furnished an adequate supply of water and feed.
  - e. Any noise escaping from the enclosure shall not interfere with a reasonable person's use and enjoyment of his or her real property.
- 4. All of the development standards of the zone in which the fowl is located shall be met.
  - 5. Findings are made by the Community Development Director that there is no adverse impact on the public health, safety or welfare.

### 9.235.050 Kennels

- A. Kennels may be for commercial or noncommercial purposes, including for raising of guard dogs, care animals, rescue animals, and breeding and boarding.
- B. The following classes of kennels are allowed in the following zones pursuant to Table 9.235.050-1, pursuant to the following development standards:

Table 9.235.050-1, Kennel Classes and Allowed Zoning				
Class of Kennels	Zones Where Allowed	Maximum Number of Animals per Site	Minimum Lot Size for Keeping Such Animals	Kennel Definitions
No Kennel	All zones	1-4 dogs	--	One to 4 dogs on a property is allowed without a Conditional Use Permit issued from the Community Development Department.
Class I Kennel	AG, RM, RR5, RR2, RR1, RR½, LDR-1, LDR-2	5-10 dogs	1 acre	Any building, structure, enclosure or premises whereupon, or within which, 5 to 10 dogs, four months or older of age, are kept or maintained. A Class I Kennel shall not include a sentry dog kennel or an animal rescue operation.
Class II Kennel/Cattery	AG, RR5, RR2, RR1, RR½, BP, HI	11-25 dogs 10-25 cats	1 acre (or as noted below)	Any building, structure, enclosure or premise, whereupon, or within which, 11 to 25 dogs, four months of age or older, or 10 to 25 cats are kept or maintained.
Class III Kennel/Cattery	AG, RR5, RR2, RR1, BP, HI	26-40 dogs 26-40 cats	1 acre (or as noted below)	Any building, structure, enclosure or premises whereupon, or within which, 26 to 40 dogs or cats, four months or older of age, are kept or maintained.
Class IV Kennel/Cattery	AG, RR5, RR2, RR1, BP, HI	41 or more dogs or cats	1 acre (or as noted below)	Any building, structure, enclosure or premises whereupon, or within which, 41 or more dogs, four months or older of age, or 41 or more cats, are kept or maintained.
Sentry Dog	AG, RR5,	5 or more	1 acre	Any building, structure, enclosure or premises

Table 9.235.050-1, Kennel Classes and Allowed Zoning

Class of Kennels	Zones Where Allowed	Maximum Number of Animals per Site	Minimum Lot Size for Keeping Such Animals	Kennel Definitions
Kennel	RR2, RR1, BP, HI	dogs	(or as noted below)	whereupon, or within which, 5 or more guard, or sentry dogs are kept or maintained. A sentry dog is any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility. The term "guard dog" shall also mean "sentry dog."

C. Development and Operations Standards.

1. **Residency.** In agricultural, rural and residential zones permitting kennels, such kennels may be placed upon parcels containing detached single-family dwelling units. All Class II Kennels and above shall include a single-family dwelling to be used by a live-in caretaker. Notwithstanding any provision within this ordinance to the contrary, no parcel with a kennel or cattery shall contain more than the maximum number of detached single-family dwelling units permitted by the existing zoning on the property. Multi-family dwelling units and attached single-family dwelling units shall not be permitted in conjunction with kennels or catteries, provided, however, that a guest living quarter or accessory dwelling unit shall be permitted in accordance with current City zoning regulations.
2. **Minimum Lot Size.** The minimum lot size for a kennel or cattery in an agricultural, residential or rural zone is 1 acre (gross). There is no minimum lot size for a kennel or cattery in a business park or industrial zone other than what is required by the existing zoning on the property.
3. **License.** The applicant shall obtain and continuously maintain all necessary licenses as adopted by the City.

**9.235.060 Miniature Pigs**

- A. Any person owning or having charge, care, custody or control of any miniature pig shall keep such pig exclusively upon his or her own premises, provided, however, that such pig may be off such premises if under restraint of a competent person.
- B. The miniature pig must be kept in an enclosure that is no closer than 30 feet from the front property line, 15 feet from any side or rear property line and no closer than 35 feet from any dwelling unit other than the dwelling unit on the subject lot.

**9.235.070 Animal Maturity**

- A. The provisions of this chapter apply to mature breeding stock, maintenance stock and similar farm stock, and shall not apply to the offspring thereof, if such offspring are being kept, fed or maintained solely for sale, marketing or slaughtering at the earliest practical age of maturity.
- B. Whenever any section of this ordinance requires a determination as to the maturity of animals, the following periods of time shall be used to establish the age of maturity:
  1. Birds: 6 months
  2. Cattle: 18 months



3. Fowl and poultry: 2 months
4. Goats: 9 months
5. Horses: 24 months
6. Pigs: 8 months
7. Sheep: 9 months
8. Other small farm animals: 6 months

### **9.235.080 Animal Grazing**

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- A. There shall be no limit to the permissible number of sheep which may be grazed per acre when the grazing is for the purpose of cleaning up unharvested crops, provided that such grazing is not conducted for more than 4 weeks in any 6 month period.

## **Chapter 9.240 Motor Vehicle and Related Uses**

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### Contents:

- 9.240.010 Purpose
- 9.240.020 Applicability
- 9.240.030 Motor Vehicle and Related Uses – General
- 9.240.040 Vehicle Rentals
- 9.240.050 Vehicle Sales
- 9.240.060 Vehicle Parts and Supply Stores
- 9.240.070 Vehicle Repairs and Service
- 9.240.080 Vehicle Storage
- 9.240.090 Drive-Through and Drive-In Facilities
- 9.240.100 Towing Services
- 9.240.110 Car Washes

### **9.240.010 Purpose**

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This chapter establishes the regulations and criteria for the development and operation of certain motor vehicle and related uses as commercial uses. The intent of the standards is to regulate these uses for compatibility with surrounding uses.

### **9.240.020 Applicability**

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The regulations and standards contained in this chapter shall apply to those uses expressly identified as subject to this chapter in the tables of allowed uses and approval requirements contained in Article 3 (Zones) of this Title.

### **9.240.030 Motor Vehicle and Related Uses – General**

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The following regulations shall apply to all motor vehicle and related uses.

- A. Hours of operation shall be limited to no earlier than 6:00 a.m. and no later than 10:00 p.m., unless specifically approved otherwise. The hours of operation for gas stations may exceed these general limits where established as part of the conditions of approval.



- B. The sound emanating from all motor vehicle and related uses shall be subject to all the applicable noise control regulations of Section 9.255.060 (Noise Control Regulations) of this Title.
- C. Exterior amplified sound systems are prohibited within 100 feet of a non-commercial use.
- D. The property owner and/or individual responsible for said property shall take all steps necessary to ensure individuals shall not loiter upon the property before and after regularly established business hours.
- E. Persons engaged in the delivery of motor vehicles for storage, sales, rental, display or repair shall not stop or park within any public rights-of-way (ROW) to off-load such vehicles without having an approved encroachment permit.
- F. Access and onsite circulation shall be reviewed and approved by the City Engineer to ensure traffic flow from the public right-of-way onto the site, or traffic flow from the site, does not create a hazardous situation.
- G. Appropriate best management practices shall be constructed and/or practiced to ensure any vehicle fluids do not leave the site and do not contaminate soil.
- H. Dismantling of stored and/or parked vehicles shall be expressly prohibited within the public view, unless specifically approved otherwise.

#### **9.240.040 Vehicle Rentals**

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The following regulations shall apply to all vehicle rental uses, including trailer and recreational vehicle rental, truck and trailer rental, boat rental, equipment rental and motorcycle rental.

- A. Repairs, except incidental replacement/repair including such activities as the installation of windshield wiper blades or batteries or comparable activity, shall be prohibited, unless combined with a reviewed and approved repair facility subject to the regulations set forth in Section 9.240.070 (Vehicle Repairs and Service)
- B. Rental vehicles shall not be displayed in the customer/employee parking area, drive aisles or other portions of the property not designed for vehicle display.
- C. Vehicles stored outside not displayed for rental purpose shall be screened from view in compliance with Section 9.240.080 (Vehicle Storage).
- D. Vehicle storage or display is prohibited in the public right-of-way.

#### **9.240.050 Vehicle Sales**

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The following regulations shall apply to all vehicle sales uses, including trailer and recreational vehicle sales, truck sales, boat sales, equipment sales and motorcycle sales.

- A. General Requirements.
  - 1. Vehicles shall only be displayed for sale in approved display areas. Vehicles for sale shall not be displayed in the customer/employee parking area, drive aisles or other portions of the property not designed for vehicle display per an approved plot plan or conditional use permit.
  - 2. On-site circulation shall be reviewed and approved by the City Engineer to ensure vehicle circulation through the site is safe and that the placement of the vehicle display areas does not interfere with the flow of vehicles to designated parking stalls.
  - 3. Sufficient space shall be provided for service drop-offs to prevent stacking of waiting vehicles onto a public street.
  - 4. Vehicles in inventory shall not be parked on the public right-of-way.

5. Repairs shall be conducted within an enclosed building. Repair facilities included with vehicle sales shall be reviewed and approved subject to the regulations set forth in Section 9.240.070 (Vehicle Repairs and Service).
  6. On-site vehicle painting is prohibited.
  7. Outdoor storage of new or used tires is prohibited.
  8. Vehicle storage may be permitted as incidental to the primary use and shall be screened from view in compliance with Section 9.240.080 (Vehicle Storage). Vehicles displayed for sale in approved display areas are not subject to screening requirements.
  9. When located adjacent to a property with a residential land use designation, a block wall of not less than 6 feet in height shall be required along the entire length of the property line. The block wall shall be reduced to the maximum height allowed within the required front yard setback and as necessary to meet clear site triangle requirements. Any gate(s) shall be constructed of materials to prevent view of the stored materials within the walled and gated area.
- B. Landscape Standards. The following standards shall be applied to all new automobile, motorcycle and truck dealerships or to substantial alterations to existing automobile, motorcycle and truck dealerships:
1. Display areas. A minimum 5-foot-wide planter area/island shall be required at the end of all display area lanes adjacent to the main entry drive lane. An additional 1-foot strip, made of concrete or other materials acceptable to the Community Development Director, shall be located next to the curb immediately adjacent to the end display parking space. Such landscape islands shall have a mixture of trees, shrubs and ground cover and shall have an automatic irrigation system consistent with Chapter 9.195 (Landscaping Standards).
  2. Street frontages. All portions of the property which have street frontage shall meet one of the following criteria:
    - a. A minimum of 12 feet of landscaping shall be provided, measured from the property line to the display area length and shall be surrounded by drought-tolerant, low-growing shrubs and ground cover; or
    - b. A minimum of 20 feet of landscaping shall be provided, measured from the property line to the display area, with the display area allowed to encroach into 8 feet of the landscape area.
      - i. Display areas shall be of pervious hardscape, a maximum of 20 feet in length, and shall be surrounded by drought-tolerant, low-growing shrubs and ground cover.
      - ii. The number of display areas allowed shall be calculated in the following manner: three display spaces per 100 linear feet of street frontage. Fractional spaces (0.5 and over) shall be rounded up.
      - iii. No display area shall be located immediately adjacent to another display area. Landscaping shall be provided between display areas.
  3. Development adjacent to existing and proposed residential uses. All portions of the property which abut an existing or proposed residential use shall have a minimum 10-foot-wide landscape buffer.
  4. All other portions of the property which do not abut a street or existing or proposed residential uses shall have a minimum 5-foot-wide landscape buffer.
  5. All customer parking on the site shall be clearly identified, either through special paint (i.e., curb painting) or signage, and shall be subject to the landscape requirements contained in Chapter 9.195 (Landscaping Standards) of the development code.
  6. Service bays shall not be visible from a public street and shall be adequately screened from adjacent residential uses.



7. Inventory and vehicle-in-repair storage areas on the site shall be clearly identified and do not need to be internally landscaped. If they are located on the property perimeter or adjacent to residential development or sensitive areas, they shall be screened in the manner discussed above.
- C. Used Motor Vehicle Sales (without the Sales of New Motor Vehicles).
1. The minimum lot width of any site supporting a used motor vehicle sales business shall be 100 feet.
  2. The minimum lot area shall be 10,000 square feet.
  3. A building containing not less than 200 square feet shall be maintained on the lot supporting the business. The building shall be a permanent structure; modular or portable buildings are not permitted.

### **9.240.060 Vehicle Parts and Supply Stores**

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The following regulations shall apply to all vehicle parts and supply store uses.

- A. Replacement parts and repairs shall not be installed and/or completed by customers or employees of the on-site business in the parking area, drive aisles or unimproved areas of the site.
- B. No vehicle repairs are permitted on-site.

### **9.240.070 Vehicle Repairs and Service**

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The following regulations shall apply to all vehicle repairs and service uses, including minor repair, major repair, stereo and sound system installation, body, paint and upholstery shops, boat service and repair, motorcycle service and repair, recreational vehicle service and repair, and heavy equipment service and repair.

- A. On-site circulation shall be reviewed and approved by the City Engineer to ensure on-site circulation upon and through the site is safe and convenient for the patrons and that the placement of the vehicle display areas does not interfere with the flow of vehicles to designated parking stalls.
- B. Repairs shall be conducted within an enclosed building.
- C. Service bay doors shall be oriented away from adjacent properties with a residential land use designation.
- D. Outdoor storage of new or used tires is prohibited.
- E. Vehicle storage may be permitted as incidental to the primary use and shall be screened from view in compliance with Section 9.285.080 (Vehicle Storage).
- F. Vehicles waiting for service or repair shall not be parked in the public right-of-way.
- G. All portions of the property which abut an existing or proposed residential use shall have a minimum 10-foot-wide landscape buffer.
- H. When located adjacent to a property with a residential land use designation, a block wall of not less than 6 feet in height shall be required along the entire length of the property line. The block wall shall be reduced as necessary to the maximum height allowed within the required front yard setback and to meet clear sight triangle requirements. Any gate(s) shall be constructed of materials to prevent view of the stored materials within the walled and gated area.
- I. Automobiles and vehicles shall not be stored outside of a building on-site for more than 24 consecutive hours, unless stored in an approved storage area in compliance with the requirements of Section 9.285.080 (Vehicle Storage).

### **9.240.080 Vehicle Storage**

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The following regulations shall apply to all vehicle storage yards, including designated storage areas incidental to a primary use, recreational vehicle storage boat and trailer storage, and equipment storage.

- A. All vehicle storage yards shall require a principle structure not less than 500 square feet in area from which the business is operated.
- B. Outside vehicle storage shall be confined to the rear of the principal structure(s) or to rear two-thirds of the lot, whichever is more restrictive.
- C. All storage areas shall be screened from public view from any adjoining properties and from the public rights-of-way by appropriately designed walls, fencing and landscaping.
- D. Vehicle storage yards shall maintain the minimum setback requirements for the zone in which the use is located.
- E. All required setbacks shall be landscaped in compliance with Chapter 9.240 (Landscaping Standards).
- F. Vehicle storage yards adjacent to existing and proposed residential uses: All portions of the property which abut an existing or proposed residential use shall have a minimum 10-foot-wide landscape buffer.
- G. A solid wall not less than 6 feet tall made of block, masonry or other similar material shall be constructed and maintained around the perimeter of the use to substantially block the view of the storage yard. The wall shall not encroach into any required setback along a front or street side yard or encroach into any required clear site triangle area. Any vehicles not screened shall be operable and in good repair.
- H. Storage areas shall be paved with concrete or asphalt paving. An alternative material may be approved by the City Engineer.

#### **9.240.090 Drive-Through and Drive-In Facilities**

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Commercial uses including restaurants, financial institutions, pharmacies or other businesses providing drive-through, drive-up or drive-in facilities shall be subject to the following requirements:

- A. Drive-Through Stacking Length. Stacking lanes for drive-through customers shall be of sufficient length behind a communication stop menu board or drive-up window or teller machine if no prior menu board communication stop is provided, to accommodate at least six vehicles, measuring a minimum of 9 feet by 18 feet per vehicle, unless additional stacking length is required by the approving authority or required pursuant to a site specific traffic management plan. The drive-through aisle shall have a minimum width of 11 feet on the straight sections and 12 feet on curved portions.
- B. Pedestrian walkways should not intersect the drive-through aisles. If pedestrian walkways do cross the drive aisles, they shall be clearly marked with paving or striping.
- C. Vehicle entrances to drive-through businesses shall be located a minimum of 150 feet from the nearest intersection, with 200 feet being the preferred distance, except where the City Engineer determines that an alternate standard can be safely accepted.
- D. Separate queuing and circulation. Separate queuing and circulation shall be provided for drive-through traffic to ensure access for other traffic to parking spaces or exits is not unreasonably obstructed.
- E. Design Characteristics. Drive-through facilities shall be screened from adjacent roads and residential properties through the use of landscape and architectural treatments such as berming, screen walls and bays around the drive aisle. Drive-through lanes shall be oriented away from street. Ordering boxes, speakers and drive lane lighting shall be oriented away from the the street. A maximum four-foot-high screen wall shall be required to prevent vehicle lights from impacting on-coming traffic and to provide a screen wall for the pickup window. Landscape screening shall be provided, in addition to the screen wall, in order to soften the effects of the wall and provide additional mitigation for noise and lighting impacts. A pick up window canopy structure shall be provided. Eaves, canopies, porte-cochere and other features shall be integrated into the design of the site and the building and shall utilize similar materials as the other structures on site.



- F. Landscaping. To provide general screening and to shield vehicles and associated headlights in a drive-through lane from view of abutting street rights-of-way, a minimum 5-foot-wide planter shall include a minimum 3-foot-tall (maximum 4-foot-tall) landscape barrier planted with trees and other landscaping consistent with those in the parking area. Trimming and pruning of the landscape barrier shall be performed in a manner that maintains the shielding of vehicle headlights in the drive-through lane from adjacent street rights-of-way.
- G. Hours of Operation. The operation of the drive-through, drive-up or drive-in of any facility located adjacent to a residential district or residential use allowed in the district may only be operational between the hours of 6:00 a.m. and 10:00 p.m unless otherwise specifically established as a condition of approval. The approval of the required permit may further restrict the hours of operation for such facilities when adjacent to other uses or districts and where modified hours are necessary to mitigate potential adverse impacts related to noise, traffic or lighting.
- H. Speakers. The speakers shall be located so as to protect adjoining residential areas from excessive noise and comply with the limits established in the General Plan.

### **9.240.100 Towing Services**

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The following regulations shall apply to all towing service yards.

- A. Outdoor storage of new or used tires is prohibited.
- B. Vehicle storage may be permitted as incidental to the primary use and shall be screened from view in compliance with Section 9.285.080 (Vehicle Storage).
- C. No service or repairs shall be made to the vehicles, unless specifically approved otherwise and in compliance with the requirements of Section 9.285.070 (Vehicle Repairs and Service).

### **9.240.110 Car Washes**

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Self-service car washes included with a gas station will be reviewed in conjunction with the gas station conditional use permit, but otherwise shall comply with the following criteria. Car washes shall comply with the following criteria.

- A. Such businesses shall be located at least 200 feet from any residential district.
- B. Wash bays and vacuum areas shall be screened from public view.
- C. An attendant shall regularly monitor the facility during business hours to control noise, litter and other nuisances.
- D. Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m., unless otherwise specifically established as a condition of approval. Water and electrical systems shall automatically shut off during non-business hours, except for security and fire protection.

## **Chapter 9.245 Bed & breakfast uses**

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Contents:

- 9.245.010 Purpose
- 9.245.020 Applicability
- 9.245.030 Permit Required
- 9.245.040 Development and Operational Standards

### **9.245.010 Purpose**

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The purpose of this chapter is to establish development standards for bed and breakfast uses to ensure that they are operated in such a manner as to protect the residential character of the neighborhood.

### **9.245.020 Applicability**

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The requirements of this chapter apply to all bed and breakfast uses.

### **9.245.030 Permit Required**

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All bed and breakfast establishments shall be subject to approval of the specified permit as designated in the Article 3 (Zones), Tables of Allowed Land Uses and Approval Requirements.

### **9.245.040 Development and Operational Standards**

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- A. The facility shall comply with all land use regulations and site development standards of the zoning district in which it is located.
- B. The use shall be incidental to the primary use of the residential structure to ensure compatibility with adjacent residential uses.
- C. The Owner/lessee shall reside in the primary residence and operate the business.
- D. The exterior appearance of the structure shall have a single-family residential character.
- E. Service of meals shall be for registered guests only.
- F. There shall be no separate or additional kitchens for the guests.
- G. No guest shall stay more than fourteen consecutive days in any thirty-day period.
- H. All bed and breakfasts shall be subject to the City's hotel/motel transient occupancy tax.
- I. Bed and breakfasts shall meet all requirements of the City fire department and County health department.
- J. The bed and breakfasts shall be developed on a site that has a minimum lot size of 40,000 square feet.
- K. No receptions, private parties or similar activities for which a fee is paid shall be permitted.

## **Chapter 9.250 Alcoholic Beverages Sales, Consumption and manufacturing**

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Contents:

- 9.250.010 Purpose
- 9.250.020 Applicability
- 9.250.030 Permit Required
- 9.250.040 Findings of Public Convenience or Necessity
- 9.250.050 Alcoholic Beverage Sales
- 9.250.060 Alcoholic Beverage Manufacturing

### **9.250.010 Purpose**

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The purpose of this chapter is to establish standards for businesses engaged in alcoholic beverage sales, consumption and manufacturing uses as defined in this Title and as may be otherwise defined in Article 6 of this Title in order to protect the health, safety and general welfare of the public. This chapter establishes reasonable and uniform standards to prevent the inappropriate location and/or operation of alcoholic beverage sales, consumption and manufacturing uses within the city.

### **9.250.020 Applicability**

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The requirements of this chapter apply to all alcohol sales, service and manufacturing uses.

### **9.250.030 Permit Required**

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- A. No person, association, partnership or corporation shall conduct, establish or advertise any alcoholic beverage sales or manufacturing use in the City of Menifee without first applying for and obtaining the required permit/approval in accordance with the applicable zoning regulations of Title 9, Article 3 (Zones), the Tables of Allowed Uses and Approval Requirements, and this Chapter 9.250.
- B. All businesses or establishments offering the sale of alcoholic beverages shall obtain and thereafter maintain the appropriate license from the California Department of Alcoholic Beverage Control.
- C. Grocery stores, drugstores, specialty markets and discount/department stores in excess of 20,000 square feet (“primary uses”) may offer the incidental sale of beer, wine, and distilled spirits as a permitted use.
- D. Restaurants (bona fide eating establishments), if properly licensed, are permitted to serve beer and wine as a matter of right, but are subject to obtaining a Conditional Use Permit to offer, sell or serve distilled spirits.
- E. For establishments with on-site alcohol beverage sales and consumption that are not bona fide eating establishments (i.e., comedy club, nightclub, dance club), the “bar area” may only be an incidental use subject to the approval of a Conditional Use Permit.
- F. The following activities are exempt from the requirements of this chapter:
  - 1. Any special event for which a permit has been issued by the City, provided that the application information for the special event indicates that the sale and/or service of alcoholic beverages will occur and all applicable ABC licenses are obtained.
  - 2. Any social gathering within a private residence or business that is not required to be licensed for alcohol sales or services in accordance with the California Alcoholic Beverage Control Act.

### **9.250.040 Findings of Public Convenience or Necessity**

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The Planning Commission shall make a finding of public convenience or necessity prior to the California Department of Alcoholic Beverage Control granting the license, when said retail liquor license would be located in a census tract of undue concentration of retail liquor licenses (more than 1 per 1,250 persons per census tract) or if the granting of the retail liquor license would cause a census tract to have an undue concentration. (Bus. & Prof. Code, § 23817.5) The Planning Commission must find that:

- A. The proposed use is consistent with the General Plan and development code.
- B. The proposed use is compatible with the nature, condition and character of adjacent land uses.
- C. The proposed use would not have an adverse effect on adjacent land uses.
- D. The proposed use would not result in an excessive number of similar establishments in close proximity.
- E. The proposed use will be essential or desirable to the public convenience or welfare and will not impair the integrity and character of the zone district or be detrimental to the public health, safety, morals or welfare.
- F. Notice of hearing shall be given to all owners of property within 1,000 feet of the subject facility, to any elementary school or secondary school district within whose boundaries the facility is located and to any public entity operating a public park or playground within 1,000 feet of the subject facility. The Community Development Director may require that additional notice be given, in a manner the Director deems necessary or desirable, to other persons or public entities.

### **9.250.050 Alcoholic Beverage Sales**

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- G. Liquor stores, convenience stores, service stations or other facilities (except grocery stores or drugstores) selling alcohol for off-site consumption shall not be located within 600 feet as measured between the main entrance of the alcohol selling business and the closest public entrance to the religious or educational institution (K-12), day care center or public park. This requirement shall not apply when the alcohol-selling business and the religious or educational institution are both located within commercial or industrial zones.
- H. There shall be only one facility exclusively selling alcohol for off-site consumption in a shopping center or strip mall, except with Planning Commission approval of a Conditional Use Permit.
- I. A retail facility that has as its primary or principal use sales consisting of alcohol and/or liquor products for off-site consumption may not be located closer than 1,000 feet from a similar retail facility, except with Planning Commission approval of a Conditional Use Permit -.
- J. The following additional development standards shall apply to the concurrent sale of motor vehicle fuels and beer and wine for off-premises consumption:
  - 1. Only beer and wine may be sold.
  - 2. The owner of each location and the management at each location shall educate the public regarding driving under the influence of intoxicating beverages, minimum age for purchase and consumption of alcoholic beverages, driving with open containers and the penalty associated with violation of these laws. In addition, the owner and management shall provide health warnings about the consumption of alcoholic beverages. This educational requirement may be met by posting prominent signs, decals or brochures at points of purchase. In addition, the owner and management shall provide adequate training for all employees at the location as to these matters.
  - 3. No displays of alcoholic beverages shall be located within 5 feet of any building entrance or checkout counter.
  - 4. No alcoholic beverage advertising shall be located on gasoline islands. No lighted advertising for alcoholic beverages shall be located on the exterior of buildings or within window areas.
  - 5. Employees selling alcoholic beverages between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age.
  - 6. Alcoholic beverages shall be sold from, or displayed in, the main, permanently affixed coolers only.
  - 7. No sale of alcoholic beverages shall be made from a drive-through window.

### **9.250.060 Alcoholic Beverage Manufacturing**

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- A. Businesses manufacturing alcoholic beverages, which have a tasting room, but do not have a bona fide eating establishment (as defined by the California Department of Alcoholic Beverage Control) in conjunction with the manufacturing business, shall have the appropriate license from the California Department of Alcoholic Beverage Control and shall be operated according to all applicable state and local health and safety requirements and regulations.
- B. Restaurants (bona fide eating establishments) with alcoholic beverage manufacturing on-site as an incidental use shall not be subject to the provisions of this section.
- C. All businesses manufacturing alcoholic beverages shall comply with all land use regulations and site development standards of the zoning district in which they are located.
- D. The dispensing of alcohol may occur between the hours of 10:00 a.m. and 10:00 p.m., unless otherwise specified as part of a Temporary Use Permit for a special event, or services outside of regular hours.
- E. On-site alcohol sales shall be limited to product manufactured on-site.

- F. There shall be no admission fee, cover charge or minimum purchase required.
- G. The retail area, including the tasting room, shall not exceed 25 percent of the total floor area of the business. The retail area shall not include the area where typical alcoholic beverage manufacturing functions occur.
- H. In addition to the retail area (tasting room), an outdoor patio area may be allowed, but may not exceed 50 percent of the total allowable retail area. The outdoor patio area must be secured, consistent with California Department of Alcoholic Beverage Control requirements. Signs shall be posted inside the building near the exit door of the tasting room and exit door of the outdoor seating area stating: “No alcohol allowed past this point.”
- I. All alcoholic beverage manufacturing equipment and storage activities shall be located within a completely enclosed building. The display of alcoholic beverages shall not be located outside of a building or within five feet of any public entrance to the building.
- J. An alcoholic beverage manufacturing facility shall meet the off-street parking requirements as set forth in Chapter 9.215 (Parking and Loading Standards) of the Menifee Zoning Code. For the purposes of calculating parking, the brewing/distilling areas shall be considered manufacturing, the cold and warm storage areas shall be considered warehousing, office space shall be considered office, and the tasting room and outdoor patio shall be considered retail.
- K. There shall be no live entertainment, DJs or amplified sound on the alcoholic beverage manufacturer’s licensed premises at any time without issuance of a Conditional Use Permit or Temporary Use Permit.
- L. The real property upon which an alcoholic beverage manufacturing use is operated shall be permanently maintained in an orderly fashion.
- M. Parking lots, driveways, circulation areas, aisles, passageways, recesses and grounds contiguous to buildings that contain an alcoholic beverage manufacturing use shall be illuminated and make clearly visible the presence of any person on or about the alcoholic beverage manufacturer’s licensed premises during the hours of darkness as set forth in Chapter 9.205 (Lighting Standards) of the Menifee Zoning Code.
- N. A security plan in a form satisfactory to the Menifee Police Department shall be submitted to and approved by the Menifee Police Department. The security plan shall be formulated to deter loitering and unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding uses and the neighborhood by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer’s licensed premises.

## **Chapter 9.255 Home Occupation and Home-Based Businesses**

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### Contents:

- 9.255.010 Purpose
- 9.255.020 Applicability
- 9.255.030 Business Registration and Approval Process
- 9.255.040 Development Standards
- 9.255.050 Limitations on Specific Home-Based Businesses
- 9.255.060 Prohibited Home Occupations

### **9.255.010 Purpose**

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The regulations contained in this chapter are to ensure the compatibility of home occupations and home-based businesses with the principal residential uses in order to protect the integrity and character of neighborhoods.



### **9.255.020 Applicability**

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The following standards apply to all home occupations and home-based business uses.

### **9.255.030 Business Registration and Approval Process**

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- A. **Permit Required.** A home-based business or home occupation shall not commence operation prior to being approved under Chapter 9.55 (Home Occupation and Home-Based Business Permits) of this ordinance.
- B. **License Required.** All businesses are required to register for a business license, pursuant to Chapter 5.01 (Business License and Registration Program) of the City of Meniffee Municipal Code.

### **9.255.040 Development Standards**

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Home-based businesses shall be subject to the following limitations and performance standards. All of the following standards are calculated and/or applied based on a single residence.

- A. **Number of Home Occupations.**
  - 1. There is a limit of two home occupations per residence.
  - 2. There shall be not more than 1 home-based business on any property.
- B. **Employees.**
  - 1. Home occupations businesses are limited to only resident employees may be on the site of a home occupation except for except for beauty shops and day care uses (large) which have 1 non-resident employee on the property at any one time.
  - 2. Home-based businesses may have not more than one non-resident employee on the site at any one time.
- C. **Minimum Lot Size.**
  - 1. There is no minimum lot size for home occupations.
  - 2. Home-based businesses require a minimum lot size of 1 acre.
- D. **Habitable Floor Area.** The use of the dwelling for the home occupation or home-based business shall be clearly incidental and subordinate to its use for residential purposes, but in no case shall it exceed 25 percent of the total floor area on the property.
- E. **Off-site Effects.** No mechanical equipment or operation shall be used which creates or makes dust, odor, vibration or other effects detectable at the property line. Noise shall comply with the City's noise ordinance. No process shall be used which is hazardous to public health, safety, morals or welfare.
- F. **On-site Sales.** No products shall be sold on the premises except artist's originals or products individually made to order on the premises.
- G. **On-site Production.** Products that are not artist's originals or individually made to order may be constructed on-site, using equipment normally found in a residence; however, these products may only be sold at a permitted commercial location.
- H. **Display.** Products produced by occupants of the dwelling shall not be displayed so as to be visible in any manner from the outside of the dwelling unit.
- I. **Storage.** There shall be no outdoor storage or display of business related materials, and storage shall not utilize a required parking space (e.g., within a required garage).



- J. **Hazardous Materials.** No storage of hazardous materials is permitted beyond normal household use. Businesses that require hazardous chemicals (e.g., pest control, pool cleaning) are not permitted to store the chemicals on-site.
- K. **Signs.** No signs other than one unlighted identification sign, not more than 2 square feet in area, shall be erected on the premises. No signs shall be placed within 10 feet of the right-of-way. Vehicle with commercial signage other than signage required by State law are not allowed in the front setback.
- L. **Traffic/Vehicles.** The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district, nor in any case require the parking of more than two additional vehicles at the home at any one time. No motor vehicle that is used or kept on the premises in conjunction with the home occupation shall exceed two axles or a length of 20 feet. Commercial vehicles are not allowed to be stored in the front yard setback.
- M. **Visitors and Customers.** Visitors and customers shall not exceed those normally and reasonably occurring for a residence, and shall be limited to the hours of 8:00 a.m. to 7:00 p.m.
- N. **Deliveries.** Deliveries shall not exceed those normally and reasonably occurring for a residence and not more than one delivery of products or materials a week. Deliveries of materials for the home occupation shall not involve the use of commercial vehicles except for FedEx, UPS, or USPS-type home pickups and deliveries.

#### **9.255.050 Limitations on Specific Home-Based Businesses**

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- A. **Massage.** Certified massage practitioners are permitted if all the following criteria are met:
  - 1. Only one client is on-site at a time and by appointment only.
  - 2. The practitioner must submit proof of a certificate of training from a state-approved school (e.g., Department of Education, Office of Postsecondary Education).
  - 3. The use will not be conducted in such a fashion as to constitute a public nuisance.
- B. **Mobile Food Vendor.** Mobile food vendor vehicles cannot be parked at a private residence.
- C. **Taxicab, Limousine or Pedicab.** Taxicab, limousine or pedicab service shall not be on-call and available for service. No vehicle shall be dispatched from the residence by radio, telephone or other means. Up to 1 vehicle used for such use may be parked at the residence when not in service. There shall be no fleet vehicle storage.

#### **9.255.060 Prohibited Home Occupations**

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The following businesses are prohibited to operate as a home-based business within the city:

- A. Adult entertainment businesses
- B. Alcohol beverage manufacturing or sales business
- C. Ambulance service
- D. Ammunition reloading, including custom reloading
- E. Boardinghouse, bed-and-breakfast hotel, timeshare condominium
- F. Carpentry, cabinetmakers
- G. Ceramics (involving kiln of 6 cubic feet or more)
- H. Firearms sales, except as allowed by State or Federal law.
- I. Health salons, gyms, dance studios, aerobic exercise studios
- J. Medical, dental, chiropractic or veterinary clinics



- K. Mortician, hearse service
- L. Noncertified massage practitioners
- M. Palm-reading, fortune-telling
- N. Pet Grooming
- O. Private clubs
- P. Repair or reconditioning of motor vehicles
- Q. Retail sales from site (except direct distribution of artist's originals)
- R. Storage, repair or reconditioning of major household appliances
- S. Storage, repair or reconditioning of motorized vehicles or large equipment on-site
- T. Tattoo and piercing service
- U. Tow truck service
- V. Veterinary uses (including boarding)
- W. Welding services

## **Chapter 9.260 Outdoor Sales, Display and Dining**

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### Contents:

- 9.260.010 Purpose
- 9.260.020 Applicability
- 9.260.030 Permit Required
- 9.260.040 Development Standards

### **9.260.010 Purpose**

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The purpose of this chapter is to establish regulations for outdoor sales, display and dining areas.

### **9.260.020 Applicability**

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The requirements contained in this chapter shall apply to all outdoor sales, display and dining areas.

### **9.260.030 Permit Required**

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The following permit requirements shall be applicable to all outdoor sales, display and dining areas:

- A. Outdoor Sales and Display. Outdoor display of merchandise that is clearly incidental and subordinate to an existing business is allowed as an accessory use without a Temporary Use Permit as long as it meets the requirements for outdoor display in Section 9.325.040 (Development Standards).
- B. Outdoor Dining.
  - 1. An outdoor dining area may be added to an existing permitted facility as an accessory use where the Community Development Director finds that:
    - a. The area is less than 200 square feet;
    - b. All seating is within 4.5 feet of the building;
    - c. There are no permanent exterior improvements;
    - d. Alcohol is not served; and

- e. A minimum continuous pavement walkway and clear pedestrian path of not less than 5 feet is maintained.
2. Outdoor dining that does not meet the limitations of subsection B.1 above shall require an amendment to the previously approved permit issued for the primary use and shall be processed in accordance with Section 9.30.120 (Amendments to Previously Approved Permits). In the absence of a previously approved permit for the primary use, a Minor Plot Plan shall be required in accordance with Chapter 9.80 (Minor Plot Plan).

### **9.260.040 Development Standards**

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- A. **Outdoor Merchandise Display.** Any outdoor display exhibited in conjunction with the business being conducted within the building may be permitted without a Temporary Use Permit, provided that the display complies with the following regulations:
  1. The items being displayed shall be of the same types that are lawfully displayed and sold inside the building on the premises, except alcohol.
  2. The aggregate display area shall not exceed 25 percent of the linear frontage of the storefront or 10 linear feet, whichever is greater.
  3. Items shall not project more than 4 feet from the storefront.
  4. No item, or any portion thereof, shall be displayed on public property; provided, however, that items may be displayed within the public right-of-way if an Encroachment Permit has first been procured from the City.
  5. Items shall be displayed only during the hours that the business conducted inside the building on the premises is open for business.
  6. 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 appearance of the premises or any surrounding property, or in any other manner is detrimental to the public health, safety or welfare or causes a public nuisance.
  7. A minimum continuous pavement walkway and clear pedestrian path of not less than 5 feet is maintained.
- B. **Outdoor Dining.** The following development standards apply to all outdoor dining areas:
  1. A clear path of at least 5 feet wide, free of all obstructions to the flow of pedestrian traffic, shall be provided in the public right-of-way and shall be maintained at all times.
  2. No outdoor dining area shall not obstruct the entrance to any building, interfere with or impede the flow of pedestrian or vehicle traffic, or create any other condition that is detrimental to the appearance of the premises or any surrounding property, or in any other manner is detrimental to the public health, safety or welfare or causes a public nuisance.
  3. Outdoor dining area furniture, including but not limited to tables, chairs, and umbrellas, shall be of high quality and consistent with the theme of the primary establishment or overall premises.
  4. An outdoor dining area shall be used only for dining, drinking and circulation, and shall operate only in conjunction with and during the same hours as the adjacent eating and drinking establishment.
  5. The area within, and adjacent to, the outdoor dining area shall be clean and free of litter at all times.
  6. Trash or storage areas shall not be located on or adjacent to the public right-of-way.
  7. Outdoor dining shall be oriented away from adjacent residential uses except as approved by the approving authority.



8. Parking shall be in compliance with the standards of Chapter 9.215(Parking and Loading Standards) for the primary use and any outdoor dining area in excess of 200 square feet.

## **Chapter 9.265 Tattoo Establishments**

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Contents:

- 9.265.010 Purpose
- 9.265.020 Applicability
- 9.265.030 Permit Required
- 9.265.040 Development Standards

### **9.265.010 Purpose**

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The purpose of this chapter is to establish the regulations related to tattoo establishments in the City of Menifee in order to protect the health, safety and general welfare of the public.

### **9.265.020 Applicability**

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The requirements of this chapter apply to all tattoo establishments.

### **9.265.030 Permit Required**

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All tattoo establishments shall require a Conditional Use Permit in the zones where such uses are allowed as designated in Article 3 (Zones), Tables of Allowed Land Uses and Approval Requirements. without first applying for and obtaining the required permit/approval in accordance with the applicable zoning regulations of Title 9, Article 3 (Zones), the Tables of Allowed Uses and Approval Requirements, and this Chapter 9.345.

### **9.265.040 Development Standards**

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- A. Tattoo establishments shall not be an accessory use in any zone.
- B. Tattoo establishments shall not be located:
  1. Within 500 feet of any other tattoo establishment or within the same commercial center or development.
  2. Within 500 feet of any use which involves permitting the sale for consumption of alcohol (on-site license).
  3. Within 500 feet of the nearest doorway of a public or private school, church (or similar facility for the sole purpose of the exercise of religion), or public or private park or playground.
- C. The hours of operation shall be between 7:00 a.m. and 9:00 p.m. daily.
- D. Compliance with all applicable federal, state and local regulations is required, including, but not limited to, the licensing of tattoo providers, who must be over the age of 18, and the inspection of tattoo establishments by the appropriate City and County agencies. (Health & Safety Code § 119306.)
- E. The Conditional Use Permit shall address the type of floor and work surfaces; tattooing of minors, as legally appropriate; disposal of needles; prohibition on alcoholic beverages; and other health and safety requirements.

## **Chapter 9.270 Community Care Facilities**

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Contents:

9.270.010 Purpose

9.270.020 Applicability

9.270.030 Development Standards

**9.270.010 Purpose**

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The purpose of this chapter is to implement the applicable state regulations in a manner that allows for the establishment of certain community care facilities while preserving the character of the zone in which the uses are located.

**9.270.020 Applicability**

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The development standards contained in this chapter shall apply to the following types of care facilities:

- A. Day-care center
- B. Group residential facility, large
- C. Residential care facility, large
- D. Residential care facility, elderly
- E. Congregate care facility, large

**9.270.030 Development Standards**

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All day-care centers, large group residential facilities, large residential care facilities, elderly residential care facilities and large congregate care facilities shall comply with the development standards for the zone in which they are located. In addition, the following standards shall apply:

- A. **Outdoor Area.** An outdoor area not less than 75 square feet per child or person receiving services, but in no case less than 450 square feet in total area, shall be provided. Stationary equipment shall not be located in required street side or front setback areas.
- B. **Parking.** All on-site parking shall comply with the provisions of Chapter 9.260 (Parking and Loading Standards). Separate entrance and exit points shall be provided to allow vehicles to enter the street in a forward motion. Adequate off-street parking for residents and employees and passenger loading spaces shall be provided where necessary to avoid on-street parking and passenger drop-off and pickup.
- C. **Compatibility.** Where facilities are located in residential neighborhoods, the residential character of the neighborhood in which the use is located shall be maintained. To determine compatibility with the residential character of the neighborhood, the facility shall incorporate at least three of the following traits predominant in the neighborhood:
  - 1. Wall covering materials.
  - 2. Roofing material.
  - 3. Roofing pitch.
  - 4. Structural eaves.
  - 5. Mass and scale of structure relative to structural height.
  - 6. Window characteristics.
  - 7. Decorative treatments.

**Chapter 9.275 Hookah and Marijuana Uses**

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Contents:

- 9.275.010 Purpose
- 9.275.020 Applicability
- 9.275.030 Hookah and Marijuana-Related Use Prohibitions

**9.275.010 Purpose**

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The purpose of this chapter is to establish the regulations related to hookah and marijuana uses in the City of Menifee in order to protect the health, safety and general welfare of the public.

**9.275.020 Applicability**

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The requirements of this chapter apply to all hookah and marijuana uses.

**9.275.030 Hookah and Marijuana-Related Use Prohibitions**

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A. Purpose and Findings.

1. The City Council has found that prohibitions on marijuana cultivation and processing are necessary for the preservation and protection of the public health, safety and welfare for the city and its community. The City Council's prohibition of such activities is within the authority conferred upon the City Council under state law. On October 9, 2015, the governor signed the Medical Marijuana Regulation and Safety Act (MMRSA) into law. The MMRSA contains new statutory provisions that:
  - a. Allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana outdoors and their intent not to administer a conditional permit program pursuant to enact reasonable regulations to regulate the cultivation of marijuana within a single private residence or inside an accessory structure to a private residence that is fully enclosed and secure California Health and Safety Code Section 11362.777 for the cultivation of marijuana (California Health and Safety Code Section 11362.7772(b)(1-3)).
  - b. Expressly provide that the MMRSA does not supersede or limit local authority of local law enforcement activity, enforcement of local ordinances or enforcement of local permit or licensing requirements regarding marijuana (California Business and Professions Code Section 1931526200(a)).
  - c. Expressly provide that the MMRSA does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (California Business and Professions Code Section 1931626200(a)).
2. The Adult Use of Marijuana Act (AUMA) was approved by the voters on November 8, 2016 and took effect the day after the election. The AUMA decriminalized for state law purposes specified personal use and cultivation of non-medical marijuana and established a state regulatory and licensing program for non-medical marijuana commercial cultivation, testing, distribution and manufacturing. Under the AUMA, the City retains the ability to prohibit indoor non-medical marijuana cultivation of more than six plants per residence, place reasonable restrictions on the indoor cultivation of six plants or fewer, prohibit outdoor cultivation, ban smoking/possession of marijuana on City owned or leased property, ban or regulate all entities in the stream of commerce (dispensaries, distributors, manufacturers, commercial cultivators, etc.) and establish additional taxes on recreational marijuana. (California Health and Safety Code Section 11362.2(b)(1-3)).

3. The City Council found that the provisions of this chapter:
  - a. Express its intent to prohibit the cultivation and processing of marijuana in the city, except as allowed by the AUMA.
  - b. Exercise its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing or other entitlement of the activities prohibited by this chapter.
  - c. Exercise its police power to enact and enforce regulations for the public benefit, safety and welfare of the city and its community.

(Ord. 2015-188, passed 1-20-2016; Am. Ord. 2017-230, passed 12-20-2017)

**B. Prohibited Activities.**

1. **Marijuana Dispensaries Prohibited.** Marijuana dispensaries and medical marijuana dispensaries are prohibited in the City of Menifee pursuant to Chapter 5.50 of this TitleCode.
  2. **Mobile Marijuana Dispensaries Prohibited.** Mobile marijuana dispensaries are prohibited in the City of Menifee pursuant to Chapter 5.60 of this TitleCode.
  3. **Marijuana Delivery Prohibited.**
    - a. No person shall deliver marijuana to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose.
    - b. No person shall deliver any marijuana-infused product such as tinctures, baked goods or other consumable products to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose.
  4. **Marijuana Cafés.** Marijuana cafes are prohibited in the City of Menifee.
  5. **Marijuana Cultivation and Processing.** Marijuana cultivation and processing shall be prohibited activities in Menifee, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. No use permit, variance, building permit or any other entitlement, license or permit, whether administrative or discretionary, shall be approved or issued for the activities of marijuana cultivation and marijuana processing in the city, and no person shall otherwise establish or conduct such activities in the city, except where the City is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit or any other entitlement, license or permit is sought. All commercial marijuana activities, including, but not limited to, individual sales, cooperatives, dispensaries, cultivation and deliveries, are expressly prohibited in Menifee. No person shall establish, operate, conduct, permit or allow a commercial marijuana activity anywhere within the city.
  6. **Hookah Lounges and Marijuana Cafes.** Hookah lounges and marijuana cafes are prohibited within the city.
- C. Personal Use.** If an individual is 21 years of age or older, he or she may engage in the indoor cultivation of six or fewer marijuana plants, pursuant to California Health and Safety Code Sections 11362.1(a)(3) and 11362.2(a)(2), as may be amended from time to time. However, the marijuana plants may not be visible to the public and must be kept in a secure, locked space within the individual's private residence when not in use. The indoor cultivation of more than six marijuana plants is prohibited. All outdoor cultivation is prohibited in the city.
- D. Public Nuisance Declared.** Any violation of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.



(Ord. 2015-188, passed 1-20-2016)

E. Violations. Violations of this chapter may be enforced by any means available to the City.

(Ord. 2015-188, passed 1-20-2016)

## **Chapter 9.280 Recycling Facilities**

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Contents:

- 9.280.010 Purpose
- 9.280.020 Applicability
- 9.280.030 Permit Required
- 9.280.040 Development and Performance Standards

### **9.280.010 Purpose**

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The purpose of this chapter is to establish standards and requirements for recycling facilities.

### **9.280.020 Applicability**

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The requirements contained in this chapter shall apply to the following types of recycling facility uses:

- A. Recycling collection facilities
- B. Recycling processing facilities
- C. Reverse vending machines

### **9.280.030 Permit Required**

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- A. Permit Required. All recycling facility uses shall be subject to approval of the specified permit as designated in the Article 3 (Zones), Tables of Allowed Land Uses and Approval Requirements.
- B. Exceptions. Reverse vending machines contained within a commercial building and not greater than 50 square feet do not require review and permits under this chapter, provided they comply with all applicable development standards.

### **9.280.040 Development and Performance Standards**

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The following development and performance standards shall apply to all recycling collection and processing facilities.

- A. No Unattended Facilities. All outdoor recycling facilities shall be attended and administered by on-site personnel during the hours the facility is open. There shall be no containers or enclosures provided for after-hours donation of recyclable materials.
- B. Secured Site. The site shall be secured from unauthorized entry and from deposit or removal of materials when attendants are not present.
- C. Screening. The facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by solid wood or vinyl fence or masonry wall at least 6 feet in height which is buffered by exterior landscaping.
- D. Setbacks. Setbacks from property lines shall be those provided for the zoning district in which the facility is located. The facility shall be buffered by a landscape strip at least 10 feet wide along each property line.

- E. **Residential Setback.** The facility shall be located at least 150 feet from property zoned or occupied for residential use.
- F. **Processing Facilities.** Processing facilities shall only be permitted in fully enclosed buildings. There shall be no outdoor storage of equipment or materials of any kind. The facility shall be located at least 150 feet from property zoned or designated for residential use.
- G. **Hours of Operation.** If the facility is located within 150 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 9:00 a.m.
- H. **Containers.** All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition, or material may be baled or placed on pallets if completely screened from view.
  - 1. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Fire Department.
  - 2. No storage, excluding truck trailers and seagoing cargo containers, shall be visible above the height of the fencing, screening or landscaping.
- I. **Site Maintenance.** The site shall be maintained free of litter, dust, flies and any other undesirable materials, and cleaned of loose debris on a daily basis.
- J. **Containment.** No material shall be left outside the recycling containers. The facility shall display a notice stating that no material shall be left outside the recycling containers. The containers shall be clearly marked to identify the type of material that may be deposited.
- K. **Signs.** Sign criteria shall be those applicable to the zoning district in which the facility is located.
- L. **No Nuisance.** The facility shall not create any dust, fumes, smoke, vibration or odor above an ambient level that is detectable on neighboring properties.
- M. **Noise.** Noise levels shall not exceed 60 dBA (A-weighted decibels) as measured at the property line of an existing residence or zoning district allowing residential land uses and shall not exceed 70 dBA at any other property line.
- N. **Posted Information.** The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs shall meet the standards of the zone, and directional signs may be installed with the approval of the Community Development Department, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- O. **Power Equipment.** Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding or other light processing activities necessary for the efficient temporary storage and shipment of material, may be approved at the discretion of the approving authority if noise restrictions and other conditions are met.
- P. **Waste Oil.** A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.

## **Chapter 9.285 Mobilehome Parks**

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### **Contents:**

- 9.285.010 Purpose
- 9.285.020 Applicability
- 9.285.030 Permit Required
- 9.285.040 Development Standards

### **9.285.010 Purpose**

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The California Legislature has declared that there is a need to eliminate the distinction between mobilehome development and conventional forms of residential land use. The purpose of this chapter is to establish standards for the development of mobilehome parks, in accordance with Government Code Section 65852.7 and the Mobilehome Parks Act (Health and Safety Code Section 18200 et seq.).

### **9.285.020 Applicability**

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The requirements contained in this chapter shall apply to all mobilehome parks.

### **9.285.030 Permit Required**

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Mobilehome park uses shall be subject to approval of the specified permit as designated in the Article 3 (Zones), Tables of Allowed Land Uses and Approval Requirements.

### **9.285.040 Development Standards**

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The following development standards shall apply to all mobilehome parks:

- A. **Minimum Site Area.** The that may be developed for a mobilehome park shall be 5 gross acres.
- B. **Mobilehome Park Access.** Vehicular access to a mobilehome park shall be provided from a collector/rural collector street or larger.
- C. **Mobilehome Lot Access.** Vehicular access to all mobilehome lots shall be from internal mobile home park streets.
- D. **Minimum Road Widths.** Minimum road widths shall be as determined by the City Engineer.
- E. **Minimum Mobilehome Space.** The minimum size of each space shall be 2,500 square feet. Each space shall have a minimum width of 30 feet.
- F. **Recreation.** On-site recreation shall be provided at a ratio of not less than 150 square feet per dwelling unit.
- G. **Perimeter Setbacks.** All mobilehome subdivisions and mobilehome parks shall provide a setback along all adjoining boundary streets equal to the minimum setbacks of the applicable zone, but in no case less than 20 feet along an adjoining street nor less than 15 foot to side and rear setback along all non-street boundaries of the development.
- H. **Perimeter Walls.** A 6-foot masonry wall shall be erected along all perimeter property lines, except that the wall shall be erected not less than 10 feet from the property line along the street side of the parcel, or the required front yard setback line of the applicable zone district, whichever is greater.
- I. **Landscaping.** The area between the mobilehome park site perimeter wall and the street shall be planted in ground cover, trees and shrubs. Trees or shrubs shall be planted within a 10-foot strip adjacent to the inside of all boundary walls unless an interior street adjoins a perimeter wall. All trees and shrubs planted shall be of a variety that will grow to a height of not less than 15 feet and shall be planted at intervals so that at maturity the trees or shrubs will provide solid screening of mobilehome park or mobilehome subdivision. All planting shall be maintained in a growing condition. In mobilehome subdivisions, approved provisions shall be required for the continued maintenance of the landscaped common area surrounding the development by a community association composed of the owners of the individual lots or other legal entity providing for participation by the individual lot owners in the responsibility and cost thereof. The association shall have the right to place a lien upon the individual lots for all necessary costs and expenses of maintaining the area.





- J. **Opaque Skirt.** The area between the ground level and floor level and the unit shall be screened by an opaque skirt.
- K. **Auto Storage.** Automobile storage space shall be provided as required by Section 18.12 of this ordinance.
- L. **Signs.** Signs shall be permitted in accordance with the standards of Chapter 9.220 (Sign Regulations) for a multi-family complex.
- M. **Modified Standards.** The improvement and setback requirements contained in this section may be modified or eliminated when the approving authority finds that due to topographical conditions or property ownership patterns these requirements are impractical and will not serve to protect the present or future welfare of the public.

## **Chapter 9.290 Wireless Communication Facilities**

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### **Contents:**

- 9.290.010 Purpose
- 9.290.020 Applicability
- 9.290.030 Permit Requirements
- 9.290.040 Effect of Location on Public Property
- 9.290.050 Effect of Encroachment Permit Issuance
- 9.290.060 Development Standards – General
- 9.290.070 Development Standards – Small Cell Attachments within the Public Right-of-Way
- 9.290.080 Abandoned Sites

### **9.290.010 Purpose**

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The purpose of this chapter is to establish regulations and procedures for wireless communication facilities. It is the City's intent in establishing these regulations to allow for the development of wireless communication facilities where needed in accordance with the federal Telecommunications Act of 1996, as amended, while maintaining development standards and permitting requirements consistent with state law. The goals of this chapter are to:

- A. Enhance the ability of wireless communication service providers to effectively and efficiently provide new wireless communication services in the City of Menifee.
- B. Encourage the design and placement of wireless communication facilities in a way that minimizes their impact to the visual character, health, economic vitality and biological resources of the city.
- C. Encourage and maximize the use of existing and approved wireless communication facilities, buildings and other structures while taking into account the use of concealment technology in order to reduce the number of facilities needed to serve businesses and residents in Menifee.
- D. Ensure continuous maintenance of new and existing wireless communication facilities.
- E. Ensure the timely removal of any unused or outdated wireless communication facilities.

### **9.290.020 Applicability**

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- A. The provisions of this chapter shall apply to all wireless communication facility uses as defined in this Title.
- B. The provisions of this chapter shall not apply to:



1. Any tower or antenna that is less than 70 feet in total height and that is owned and operated by a federally licensed amateur radio station operator.
2. Any tower or antenna used for commercial radio or television purposes.
3. Any satellite dish or antenna for private use.
4. Where the tower or antenna is installed and maintained as provided in an approved specific plan.

### **9.290.030 Permit Requirements**

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- A. **Minor Conditional Use Permit Required.** The following wireless facilities shall require approval of a Minor Conditional Use Permit pursuant to Chapter 9.40 (Conditional Use Permit).
  1. The placement of wireless communication facilities in any permitted zone as indicated on the allowed use tables of Article 3 (Zones), except as specified in Subsection 9.290.030.B.
  2. The placement of small cell attachments on public and private poles in the public right-of-way.
- B. **Minor Plot Plan Required.** The placement of co-located wireless communication facilities meeting the following requirements shall require the approval of a Minor Plot Plan pursuant to Chapter 9.80 (Plot Plan) provided the facility:
  1. Was approved subject to an environmental impact report, negative declaration or mitigated negative declaration.
  2. Otherwise complies with the requirements of Government Code Section 65850.6(b) for the co-location of wireless telecommunication facilities.
  3. Such co-location does not increase the height or change the location of the existing wireless telecommunication facility or otherwise change the bulk, size or other physical attributes of the existing permitted wireless telecommunication facility.
- C. **Exemptions.** The following project activities are exempt from the permit requirements of this chapter. Additional permits and approvals may be required, including building permits.
  1. Removal of wireless communication facilities.
  2. Change of antennas on any existing wireless communication facility which does not result in increased visibility of the structure.
- D. **Compliance with Other Regulations and Approvals.** All wireless communication facilities shall comply with applicable Federal Communications Commission (FCC) rules, regulations and standards and shall comply with the Uniform Building Code, National Electric Code, Uniform Plumbing Code, Uniform Mechanical Code and Uniform Fire Code, where applicable.
- E. **Authority to Employ Technical Expert.** The Community Development Director is explicitly authorized at his or her discretion to employ an independent technical expert to review any submitted supplemental or technical materials or provide technical knowledge to the City. The technical expert shall be agreeable to both the City and the service provider. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. To the extent allowed by law, any proprietary information that is disclosed to the city or any expert hired shall be located in a separate private file, shall remain confidential, and shall not be disclosed to any third party.

### **9.290.040 Effect of Location on Public Property**

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Whether located on public or private property, wireless communication facilities cannot be constructed unless a permit has first been obtained in accordance with this Title.

### **9.290.050 Effect of Encroachment Permit Issuance**

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An encroachment permit does not, under any circumstances, authorize the construction of wireless communication facilities without obtaining the permits and approvals required by this Title.

### **9.290.060 Development Standards – General**

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All wireless communication facilities shall comply with the following development standards:

**A. Siting.**

1. All wireless communication facilities shall be located to maintain applicable easements or similar restrictions on the subject property.
2. Wireless communication facilities shall meet the setbacks of the underlying zone. All setbacks shall be measured from the base of the tower or structure to the applicable property line or structure. Where possible, facilities shall not be situated between the primary building on the parcel and any public or private street adjoining the parcel so as to create a negative visual impact.
3. In residential zones, wireless communication facilities are prohibited on properties containing residences but may be permitted on properties containing churches or other non-residential uses in residential zones only when concealed or disguised and with written consent of the Community Development Director based upon aesthetics, architectural integration, pole height and similar factors as set out herein.

**B. Height Limitations.**

1. The height of the antenna structure shall be no greater than the minimum necessary to provide the required coverage and shall not exceed an overall height of 70 feet measured from the ground unless a variance is obtained.
2. No new antenna structure that exceeds 15 feet in height shall be installed on an exposed prominent ridgeline greater than 1,350 feet above mean sea level, unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible, or unless it is co-located or disguised on an existing structure.
3. Wireless communication support facilities in areas of high visibility shall be sited below the ridgeline or designed, where possible, to minimize their profile (i.e., placed underground, depressed or located behind berms).
4. For purposes of this chapter, the height of antenna structures shall be measured as follows:
  - a. Ground-mounted antennas. The height of the antenna structure shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower or from the top of the highest antenna or piece of equipment attached thereto, whichever is greater.
  - b. Building-mounted antennas. The height of the antenna structure shall be measured from the top of the building roof on which the antenna is mounted to the top of the antenna or screening structure, whichever is higher. The height of antenna structures that are attached to a building shall be measured from the top of the building roof.
  - c. Utility tower-mounted antennas. The height of the antenna structure shall be measured from the base of the utility tower, not the grade of the climbing leg foundation of the structure, if the climbing leg foundation of the utility tower structure is not at grade due to exposed footings.
5. A freestanding aboveground wireless communication support facility shall be no taller than 15 feet in height.

C. Materials and Design.

1. Antennas shall be constructed of metal or another nonflammable material, unless specifically approved by the City to be otherwise.
2. All buildings, poles, towers, antenna supports, antennas and other components of each wireless communication site shall comprise materials that are of the same color or treated with colors to conceal the equipment, as well as with anti-graffiti paint or coating and vines/plants.
3. Wireless communication support facilities in the public right-of-way shall be constructed of nonreflective materials (visible exterior surfaces only).
4. Freestanding equipment enclosures shall be constructed to look like adjacent structures or facilities typically found in the area and shall adhere to the any applicable design guidelines where appropriate. Where there are no structures in the immediate vicinity, equipment closures shall blend with existing naturally occurring elements of the viewing background and shall be screened from view. Screening may include a block wall, wrought iron fence or other effective mechanism, as determined by the Community Development Director.

D. Vegetation and Landscape Screening, Protection and Maintenance. All equipment enclosures shall be installed in such a manner so as to maintain and enhance existing native and/or landscaped vegetation to screen the facility. The level of screening shall be consistent with the type of facility proposed, its zone and its location. In addition, a landscape screening and maintenance plan or schedule shall be submitted, indicating all existing vegetation to be maintained and landscaping that is to be installed on the site to control erosion and screen the facility from adjacent land uses and public vistas and to restore vegetation removed or damaged during construction. Notwithstanding, the Community Development Director may consider non-vegetative screening where appropriate and effective. The landscape screening and maintenance plan shall:

1. Comply with the City's adopted Title 15.04 (Landscape Water Use Efficiency Requirements) and Chapter 9.195 (Landscaping Standards).
2. Provide for the protection of existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/wireless communication line routes from damage to the extent possible, both during the construction period and thereafter.
3. Provide for the repair and replacement of dead or damaged vegetation, watering (as necessary), disease and insect control, pruning and so forth. The provisions of the lease may set out the lessee's or lessor's responsibility for such maintenance. In addition, the property owner shall agree to perform such maintenance to the extent the wireless communication service provider does not do so. The property owner shall consent to the City's entry onto the property to inspect and, as necessary, restore or remove vegetation and to place a lien on the property or on the secured property tax roll for the costs thereof.

E. Maintenance and Debris Removal. In addition to the provisions for ongoing vegetation and landscape maintenance, the provisions of the lease shall set out the lessee's responsibility for the maintenance of support facilities (i.e., cleaning, painting and specifically the removal of graffiti immediately) as well as the removal of trash and debris from the site. The property owner shall agree to perform such maintenance to the extent the wireless communication service provider does not do so. The property owner shall consent in writing to the City's entry onto the property to inspect and, as necessary, remove debris and graffiti as well as to repair or fence any support facilities which constitute a safety hazard and specifically consent to the City's ability to place a lien on the property or on the secured property tax roll for the repayment of such costs, plus interest, without any further notice thereof.

F. Lighting. Except as required by State or Federal law, all wireless communication facilities shall be unlit except for a manually operated or motion-detector controlled light above the equipment shed door, which



shall be kept off except when personnel are present at night. This requirement is not intended to address interior structure lighting. Any lighting system installed shall also be shielded to the greatest extent possible so as to minimize the negative impact of such lighting on adjacent properties and so as not to create a nuisance for surrounding property owners or a wildlife attractant.

- G. **Parking.** All wireless communication facilities shall be served by the minimum roads and parking areas necessary to accommodate service vehicles. Existing roads shall be used for access, whenever possible, and be upgraded to the minimum amount necessary to meet standards specified by the Fire Marshal and the Director of Public Works. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent wireless communication facilities and/or other permitted uses. Existing off-site parking areas shall be used whenever possible.
- H. **Signage.** All freestanding wireless communication sites shall provide unlighted identification signage of not more than 3 square feet in size. The sign shall indicate the name of the company operating the facility and shall provide a phone number to be called in an emergency. Wireless communications facilities and antennas shall not contain or add advertising or signs.
- I. **Security.** The wireless communications service and property owner shall:
  - 1. Maintain a security program when determined to be necessary by, and subject to the review and approval of, the Menifee Police Department that will prevent unauthorized access and vandalism.
  - 2. Ensure sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce the potential for trespass and injury.

### **9.290.070 Development Standards – Small Cell Attachments within the Public Right-of-Way**

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All small cell attachments on structures or poles in the public right-of-way shall comply with the following development standards:

- A. Equipment shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings.
- B. Equipment shelters, cabinets, or electrical distribution panels shall not be installed at ground level, except after all reasonable alternative pole locations have been explored and found unavailable or lacking in some substantial way and only with prior city approval upon a good faith showing of necessity, in city's sole discretion. Ground-mounted equipment, if any, shall incorporate appropriate techniques to camouflage, disguise and/or blend the equipment into the surrounding environment. Any ground-mounted equipment shall not inhibit or block pedestrian path of travel and shall comply with the Americans with Disabilities Act (ADA) standards. Any ground-mounted equipment shall not obstruct or interfere with storm drainage facilities, drainage channels, or change the existing drainage pattern. City shall have sole discretion to approve or disapprove the installation of a battery backup unit, whether pole-mounted or ground-mounted.
- C. Applicant shall verify each pole's condition, size and foundation, and provide structural calculations and drawings for any pole-mounted equipment.
- D. Any pole-mounted equipment shall be placed at least eight feet above sidewalks or 16 feet above streets on the street side of the pole and shall not obstruct line of sight to any intersection, signage, traffic control devices or other directional markings.
- E. Any pole-mounted equipment shall be incorporated into the design of the pole with the use of a shroud or other stealthing techniques.
- F. Any pole-mounted equipment (excluding antenna) shall be no larger than 36 inches in height, 15 inches in width and shall not extend from the pole by more than 17 inches in any direction. All conduits, conduit





- attachments, cables, wires and other connectors shall be placed within the pole when feasible, or otherwise concealed from public view.
- G. All antennas and associated cables, connectors, and hardware shall be placed within a shroud or equivalent. A maximum of one antenna shroud per pole is allowed (excluding any radio relay unit shroud).
  - H. The antennas and related equipment shall be constructed out of nonreflective materials, painted and/or textured to match the existing support structure and painted to blend with their surroundings. Paint shall be reviewed and shown on the approved plans and specifications.
  - I. Any fiber optic cable or wiring connecting the antenna to the equipment cabinet or pedestal shall be located inside the pole and shall be located underground to the equipment cabinet.
  - J. All other conduit, cable and wiring shall be located underground.
  - K. The height of a pole that includes pole-mounted equipment shall not exceed more than five feet above the height of the average pole in the area, as determined by the city.
  - L. Equipment must be high quality, safe, fire-resistant, modern in design, and attractive in appearance, all as approved by the city.
  - M. Any proposed small cell attachment equipment shall not be permitted upon any decorative poles.

### **9.290.080 Abandoned Sites**

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- A. Any wireless communication facility that is not continuously operated for a period of 90 consecutive days (3 months) shall be conclusively deemed abandoned except when such non-operation is the result of natural disaster, in which case the period of time shall be 180 days (6 months). The wireless communication service provider shall give written notice to the City at such time as use of the facility ceases.
- B. The wireless communication service provider shall have 60 days after a notice of abandonment is mailed by the City to make the facility operable, replace the facility with an operable facility or completely remove the facility and all supporting facilities and restore the site.
- C. The owner of the property in a safe manner shall remove the facilities and thereafter cause the site to be restored to its original condition (wear and tear excepted) within 180 days of the removal of the facilities. Alternatively, the wireless communication service provider shall provide a letter of credit or cash deposit acceptable to the City which guarantees removal of all such equipment and restoration of the property. Bonds are not considered acceptable security. Any cash deposit shall be held in trust by the City for the express purpose of using the funds for removal of the equipment/facility.
- D. If the owner does not remove the facilities within 60 days of a notice of abandonment, the City may remove or cause to be removed the wireless communication facility at the underlying property owner's expense and place a lien on the property for the cost of such removal as set out in the written consent provided by the property owner.
- E. If there are two or more users of a single facility, the facility shall not be deemed abandoned until all users abandon it.

### **Chapter 9.295 Special Housing Types**

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#### **Contents:**

- 9.295.010 Purpose
- 9.295.020 Accessory Dwelling Units
- 9.295.030 Guest Living Quarters
- 9.295.040 Single-Room Occupancy Units

### **9.295.010 Purpose**

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The purpose of this chapter is to establish development and/or operational standards for special housing types allowed in the City of Menifee. The purpose and intent of the allowance for such special housing types is also established.

### **9.295.020 Accessory Dwelling Units**

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- A. Purpose. The purpose of this section is to establish development standards for accessory dwelling units and to ensure the accessory dwelling unit is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Government Code Section 65852.2.
- B. Applicability. The standards contained in this section shall apply to all accessory dwelling units.
- C. No Planning Permit Required.
  - 1. No planning application is required prior to the establishment of an accessory dwelling unit when proposed within an existing permitted structure, including within the primary dwelling unit, an attached or detached garage, or other accessory structure. The accessory dwelling unit shall meet all standards of Subsection 9.350.020.E.1 to be verified through the building permit process.
  - 2. A planning permit is required prior to the establishment of an accessory dwelling unit when not proposed entirely within an existing permitted structure in accordance with the permit procedures in Article 2 (Administration, Permits, and Procedures) and use tables in Article 3 (Zones).
- D. Density and Consistency.
  - 1. Accessory dwelling units are not considered for the purposes of evaluating the density requirements established in the General Plan.
  - 2. Accessory dwelling units are a residential use that is consistent with the existing General Plan designation and zoning for the lot.
  - 3. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
- E. Development and Operational Standards.
  - 1. Accessory dwelling units located within an existing permitted structure shall comply with all the following standards:
    - a. The lot is zoned for residential use and contains no more than one existing or proposed single-family dwelling.
    - b. No other accessory dwelling unit exists or is proposed on the same parcel.
    - c. The accessory dwelling unit shall not be for sale separate from the primary dwelling on-site.
    - d. The accessory dwelling unit shall not be rented for less than a 30-day period.
    - e. Either the primary dwelling or the accessory dwelling unit shall be occupied by the owner of the property.
    - f. The accessory dwelling unit complies with all Building and Safety Code requirements.
    - g. The side and rear yard setbacks are sufficient for meeting fire safety requirements.
    - h. Exterior access to the accessory dwelling unit, independent from the primary dwelling unit, is provided.
    - i. If a garage, carport or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of an accessory dwelling



unit, replacement spaces for the primary dwelling shall be provided in accordance with parking requirements in effect at the time of application.

- j. The accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling.
  - k. If a private sewage disposal system is used, the applicant has obtained approval from all appropriate agencies.
  - l. Installation of a new or separate utility connection or the collection of a related connection fee or capacity charge is not required.
2. Accessory dwelling units not located within an existing permitted structure shall comply with all the following standards:
- a. The lot is zoned for residential use and contains no more than one existing or proposed single-family dwelling.
  - b. No other accessory dwelling unit exists or is proposed on the same parcel.
  - c. The accessory dwelling unit shall not be for sale separate from the primary dwelling on-site.
  - d. Either the primary dwelling or the accessory dwelling unit shall be occupied by the owner of the property.
  - e. The minimum lot area required to establish a detached accessory dwelling unit shall be 7,200 square feet. There is no minimum lot area required for an attached accessory dwelling unit.
  - f. For parcels less than 20,000 square feet, the maximum total floor area for an attached or detached accessory dwelling unit is 1,200 square feet.
  - g. For parcels 20,000 square feet or greater, the following square footage limits shall apply:
    - i. For an attached accessory dwelling unit, the total floor area of the accessory dwelling unit shall not exceed 50 percent of the total living area of the primary dwelling to which it is attached, up to a maximum floor area of 1,200 square feet for the accessory dwelling unit.
    - ii. For a detached accessory dwelling unit, the maximum total floor area shall be 1,800 square feet.
  - h. Accessory dwelling units shall comply with the development standards of the zone in which the property is located, except that for accessory dwelling units built above existing permitted garages, setbacks of no more than 5 feet from the interior side and rear lot lines shall be required. Notwithstanding the above setback requirements, a guest living quarter located in or on a permitted existing detached accessory structure (such as a garage) may be allowed with reduced interior side and rear yard setbacks if the setbacks are found to be sufficient for meeting fire safety requirements.
  - i. Accessory dwelling units shall be located to the rear or side of the primary dwelling, unless a minor exception is granted pursuant to the procedures of Chapter 9.75 (Minor Exception).
  - j. Parking shall be provided as follows:
    - i. One off-street parking space shall be required for the accessory dwelling unit. The space may be uncovered and shall be permitted in setback areas or as tandem parking, unless the location is not feasible based upon specific site or regional topographical or fire and life safety conditions.
    - ii. Parking for the accessory dwelling unit shall not be required if any of the following conditions are met:
      - 1. The accessory dwelling unit is located within one-half mile of public transit.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
  3. The accessory dwelling unit is located within an existing permitted structure.
  4. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.
  5. When there is a car-share vehicle located within one block of the accessory dwelling unit.
- iii. If a garage, carport, or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement spaces for the primary dwelling may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. The location of parking shall be provided in accordance with parking requirements in effect at the time of application. These spaces shall be in addition to the parking space required for the accessory dwelling unit, if applicable.
- k. Accessory dwelling units shall be compatible with the architectural style of the primary dwelling. No bare metal, unpainted or unfinished structures are allowed. To determine architectural compatibility, the accessory dwelling unit structure must possess at least three of the following traits in common with the primary dwelling on-site:
- i. Wall covering materials.
  - ii. Roofing material.
  - iii. Roofing pitch.
  - iv. Structural eaves.
  - v. Mass and scale of structure relative to structural height.
  - vi. Window characteristics.
  - vii. Decorative treatments.
- l. Outside stairways serving an accessory dwelling unit located on a second story shall not be constructed on any building elevation facing a public street, not including alleys.
- m. Any accessory dwelling unit located more than 150 feet from a public right-of-way shall provide all-weather access for emergency vehicles.
- n. Prior to issuance of a building permit, the applicant shall grant to the City an irrevocable offer of dedication for any additional right-of-way required to be consistent with the General Plan Circulation Element, or provide for access to the project site, or ensure that previous dedications were properly provided with underlying subdivisions and lot splits (prior to Subdivision Map Act requirements).
- o. Prior to issuance of a building permit, public improvements may be required where public health, safety or welfare conditions warrant additional improvements.
- p. Prior to issuance of a building permit, the applicant shall submit to the City Building and Safety Department written certification from the affected water and sewer district(s) that adequate water and sewer facilities are or will be available to serve the proposed accessory dwelling unit. For accessory dwelling units using septic facilities, written certification of acceptability, including all supportive information, shall be submitted to the City Building and Safety Department with any application for a building permit for an accessory dwelling unit.



- q. Based upon geographic constraints, review shall be required from the following agencies, departments, divisions and districts:
  - i. Fire Department.
  - ii. Riverside County Flood Control and Water Conservation District.
  - iii. Environmental Programs Division of the Riverside County Planning Department.
  - iv. Any other entities deemed necessary as determined by the Community Development Director.
- r. Accessory dwelling units shall not be permitted in those areas of the city which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the City or another public agency with the authority to impose such a development moratorium.
- s. A new or separate utility connection directly between the accessory dwelling unit and the utility may be required. The connection may be subject to a connection fee or a capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either the size of the accessory dwelling unit or the number of its plumbing fixtures.

### **9.295.030 Guest Living Quarters**

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- A. Purpose. The purpose of this section is to establish development standards for guest living quarters and to ensure that the guest living quarters is operated in such a manner as to protect the residential character of the neighborhood and to function as an ancillary use to the primary dwelling on-site.
- B. Applicability. The standards contained in this section shall apply to all guest living quarters.
- C. Development Standards.
  - 1. A guest living quarter shall only be permitted where a primary single-family detached dwelling has been established.
  - 2. Only one guest living quarter per parcel shall be permitted.
  - 3. The guest living quarter shall not be larger than the primary dwelling.
  - 4. Height.
    - a. For parcels 2 acres or less in size, the maximum height of a guest living quarter shall be 20 feet.
    - b. For parcels greater than 2 acres in size, the maximum height of a guest living quarter shall be 35 feet.
  - 5. Setbacks.
    - a. For parcels 2 acres or less in size, the minimum setback from the side property line is 5 feet and the minimum setback from the rear property line is 20 feet unless the applicable zone requires a greater setback for the primary structure.
    - b. For parcels greater than 2 acres in size, the minimum side and rear setbacks shall be 10 feet unless the applicable zone requires a greater setback for the primary structure.
    - c. Notwithstanding the above setback requirements, a guest living quarter located in or on a permitted existing detached accessory structure (such as a garage) may be allowed with reduced interior side and rear yard setbacks if the setbacks are found to be sufficient for meeting fire safety requirements.



6. The guest living quarter must be compatible with the architectural style of the primary dwelling and be consistent with the character of the surrounding neighborhood. No bare metal, unpainted or unfinished structures are allowed. To determine architectural compatibility, the guest living quarter structure must possess at least three of the following traits in common with the primary dwelling on-site:
    - a. Wall covering materials.
    - b. Roofing material.
    - c. Roofing pitch.
    - d. Structural eaves.
    - e. Mass and scale of structure relative to structural height.
    - f. Window characteristics.
    - g. Decorative treatments.
  7. If a garage, carport or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of a guest living quarter, replacement spaces for the primary dwelling unit shall be provided in accordance with parking requirements in effect at the time of application.
- D. **Guest Living Quarter.** A building, generally detached from a main building, which contains no cooking facilities, and which is used principally for housing members of a single family and their nonpaying guests and which meets the development standards set out in this chapter. Guest living quarters also may be known as casitas. A guest living quarter is not an accessory dwelling unit.

### **9.295.040 Single-Room Occupancy Units**

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- A. **Purpose.** Single-room occupancy units can provide a valuable form of affordable private housing for individuals and can serve as an entry point into the housing market for extremely low-income populations, including formerly homeless persons, seniors and those with disabilities. The purpose of this section is to establish development and operational standards for single-room occupancy units.
- B. **Applicability.** The standards contained in this section shall apply to all single-room occupancy units.
- C. **Development and Operational Standards.**
  1. **Occupancy.** A single-room occupancy unit shall be occupied by not more than 2 persons. Occupancy of single-room occupancy units may be restricted to seniors or be available to persons of all ages.
  2. **Tenancy.** Tenancy of SRO units shall be offered for a minimum of 30 days or longer.
  3. **Management.** On-site management shall be provided.
  4. **Minimum Size.** A single-room occupancy unit shall be at least 150 square feet in floor area, excluding closet and restroom areas. No individual unit may exceed 400 square feet.
  5. **Entrances.** All single-room occupancy units shall be independently accessible from a single main entry, excluding emergency and other service support exits.
  6. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual single-room occupancy units, each unit shall have a sink with hot and cold water, a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements, and a refrigerator.
  7. **Restroom Facilities.** A single-room occupancy unit is not required to but may contain partial or full restroom facilities. A partial restroom facility shall have at least a toilet and sink. A full restroom facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the



California Building Code for congregate residences with at least one full bathroom per floor and one full bathroom per four units.

8. Closet. Each SRO unit shall have a separate enclosed all-weather closet. The closet shall be at least 120 cubic feet with a minimum four-foot horizontal dimension along one plane.
9. Common Area. Four square feet per living unit shall be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet in area of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.

## **ARTICLE 6: DEFINITIONS**

Contents:

Chapter 9.300 Universal Definitions

Chapter 9.305 Special standard and use Definitions

### **Chapter 9.300 Universal Definitions**

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Contents:

9.300.010 Purpose

9.300.020 "A" Definitions

9.300.030 "B" Definitions

9.300.040 "C" Definitions

9.300.050 "D" Definitions

9.300.060 "E" Definitions

9.300.070 "F" Definitions

9.300.080 "G" Definitions

9.300.090 "H" Definitions

9.300.100 "I" Definitions

9.300.110 "J" Definitions

9.300.120 "K" Definitions

9.300.130 "L" Definitions

9.300.140 "M" Definitions

9.300.150 "N" Definitions

9.300.160 "O" Definitions

9.300.170 "P" Definitions

9.300.180 "Q" Definitions

9.300.190 "R" Definitions

9.300.200 "S" Definitions

9.300.210 "T" Definitions

9.300.220 "U" Definitions

9.300.230 "V" Definitions

9.300.240 "W" Definitions

9.300.250 "X" Definitions



9.300.260 “Y” Definitions

9.300.270 “Z” Definitions

### **9.300.010 Purpose**

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This chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this chapter, or other provisions of the Municipal Code, the Community Development Director shall determine the most appropriate definition in compliance with Chapter 9.10 (Rules of Interpretation). State law definitions, as they may be amended from time to time, control over the definitions in this section.

### **9.300.020 “A” Definitions**

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**Abandonment.** A discontinuance of any use with intent to permanently discontinue such use.

**Abatement.** The method of reducing the degree and intensity of pollution, nuisances or violations.

**Abut.** To physically touch or border upon; to share a common property line.

**Access.** A way or means of physical entry to a property.

**Accessory Dwelling Unit.** An attached or a detached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary dwelling unit 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.

**Accessory Use.** See Use, Accessory.

**Accessory Structure.** See Structure, Accessory.

**Acre.** A measure of land area containing 43,560 square feet.

**Acre, Gross.** The entire acreage of a site calculated to the centerline of bounding streets.

**Acre, Net.** The portion of a site not reserved for public use. The following are not included in the net acreage of a site: public or private road rights-of-way, common or public open space, and floodways.

**Action.** A decision on a permit application or other land use matter, made by the approval authority.

**Addition.** An extension or increase in floor area or height of an existing building or structure.

**Adverse Impact.** A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe, unsightly or unhealthy conditions.

**Agricultural Labor Housing.** Living accommodations for employees and their immediate families employed for the exclusive purpose of agricultural pursuits either on the premises or off site. It includes single or multi-unit dwellings, including mobile homes and dormitories.

**Agricultural Operations, Commercial.** Use of land for the propagation, care, maintenance, production of food and fiber, including the growing of crops and/or the grazing of animals on natural or improved pastureland for the purpose of sale of goods and/or crops for profit. Agriculture uses include agricultural labor housing (see Agricultural Labor Housing).



**Agricultural Operations, Noncommercial.** Use of land for the propagation, care, maintenance, production of food and fiber, including the growing of crops and/or the grazing of animals on natural or improved pastureland for personal use. Agriculture uses include agricultural labor housing (see Agricultural Labor Housing).

**Aisle.** The traveled way by which cars enter and depart parking spaces.

**Alcoholic Beverage Sales.** An activity or business engaged primarily in the sale of alcoholic beverages for on-site or off-site consumption.

**Alley.** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Alteration.** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders and all interior partitions; any change in doors, windows or means of ingress or egress; any enlargement to or diminution of a building or structure, whether horizontally or vertically; or the moving of a building or structure from one location to another.

**Amenity.** Aesthetics or other characteristics of a development that increase its desirability to the community, such as swimming pools, tennis courts, security systems, views, landscaping or enhanced open space.

**Amusement Park.** Facilities or uses that provide participant recreation indoors or outdoors. Amusements parks include but are not limited to go carts, arcades, miniature golf courses, batting cages and other similar uses.

**Annexation.** The incorporation of a land area into an existing city or district resulting in a change in the boundaries of the city or district.

**Appeal.** A request for a review of a decision or action taken on a proposed permit application or other land use matter by the approving authority.

**Appeal Authority.** The agency, board, group or legally designated individual empowered to review and deny, uphold, or refer back to the approval authority, an appeal of an action taken by an approval authority.

**Applicant.** The owner(s) or lessee(s) of property, or their authorized agent(s), or person(s) who have contracted to purchase property contingent upon their ability to obtain the required entitlements, and who requests in writing, on the appropriate forms, the approval of a permit, license, certificate or other entitlement from the City.

**Application, Accepted.** An application filed with and accepted for processing by the City in accordance with the requirements of this Title, containing all items required as stated on the applicable application form.

**Application, Complete.** An application that has been deemed complete in accordance with California Government Code Section 65943 (Permit Streamlining Act).

**Approval Authority.** The agency, board, group or other legally designated individual empowered to review and approve a proposed permit application or other land use matter.

**Approved Plan.** A final plan that has been approved by the appropriate authority.

**Assisted Living Facility.** See Residential Care Facility.

**Attached.** Any structure that has an interior wall or roof in common with another structure.

**Auction.** The sale of new and used merchandise offered to bidders by an auctioneer for money or other consideration.

**Awning.** A roof-like cover attached to and extending from the wall of a building to provide shielding of windows and/or entrances.

### 9.300.030 “B” Definitions

**Balcony.** A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet.

**Bar.** Premises used primarily for the dispensing of alcoholic beverages by the drink for on-site consumption.

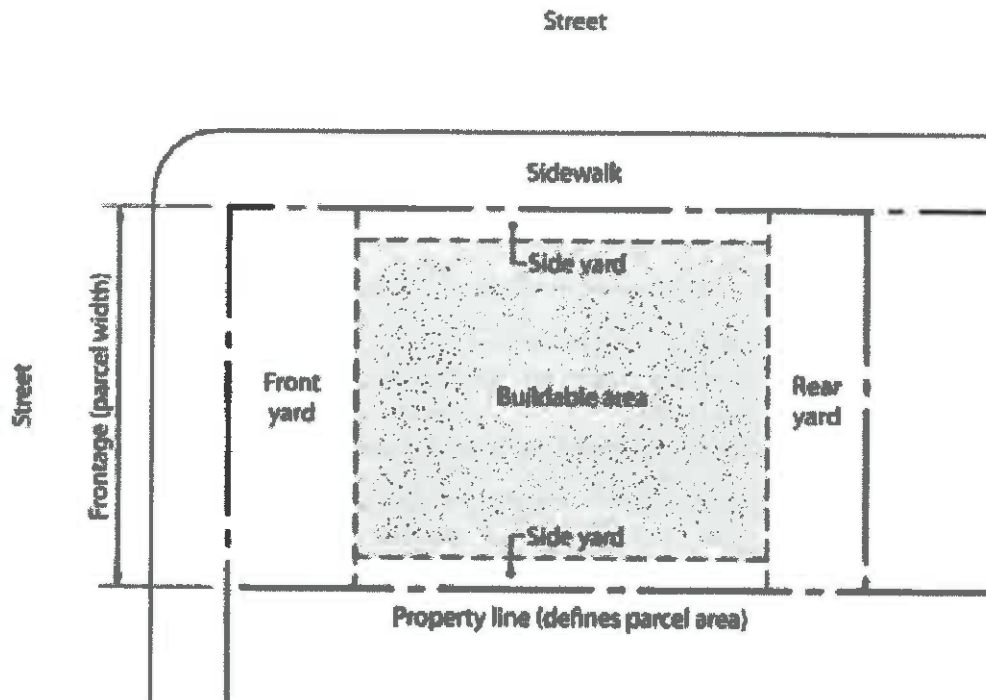
**Bed and Breakfast.** A business operated in an owner-occupied residence offering short-term rental of overnight accommodations, which provides on-site breakfast service.

**Bedroom.** A private room for sleeping, separated from other rooms, and accessible to a bathroom without crossing another bedroom.

**Berm.** A mound of earth or the act of pushing earth into a mound.

**Buffer Area.** A strip of land established to protect one type of land use from another land use. A buffer may include a physical separation in the form of a specified distance, landscaping, berms or other screens which block vision, noise or other negative impacts.

**Buildable Area/Building Envelope.** The area of a lot remaining after the minimum setback and open space requirements have been met; the area within which primary and accessory structures may be located, unless an encroachment into the setback is otherwise permitted.



**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment or materials of any kind.

**Building, Accessory.** See Accessory Structure.

**Building Height.** Building height shall be measured in accordance with Section in 9.160.040.A (Height Measurement).





**Building Permit.** Written permission issued by the City for the construction, repair, alteration or addition to a structure or building.

**Building, Primary.** A building in which the principal use is conducted.

**Business Services.** Rendering services to business establishments on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, commercial research, development and testing, photo finishing and model building.

### **9.300.040 “C” Definitions**

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**Canopy.** A fixed roofed structure of any material projecting from and connected to a building, column or post or supported by a frame extending from a building and/or post.

**Caretaker Residence.** Separate or attached living quarters, usually including kitchen facilities, for employees living on-site, and accessory to the primary use.

**Carport.** A permanently roofed structure with not more than two enclosed sides, used or intended to be used for motor vehicle shelter and storage.

**Cemetery, Mausoleum, Crematory.** Property used for the preparation and/or interring of the dead.

**Certificate of Compliance.** A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.).

**Certificate of Use/Occupancy.** A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure has been constructed in compliance with all the applicable municipal codes and ordinances.

**Change of Use.** A conversion of use that substantially differs from the previous use of a building or land.

**Church.** See Religious Facility.

**City.** The City of Menifee, including land as may be annexed from time to time.

**Clear Sight Triangle.** The area within the triangle formed by connecting the points 15 feet from the intersection of two right-of-way lines as shown in Figure 9.160.060-2 Corner Site Visibility. The 90-degree angle of the clear sight triangle is measured and located from the outermost edge of the right-of-way, without regard to whether all or part of the right-of-way is improved, or from the outermost edge of a private driveway or alley.

**Cluster Development.** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

**Collection Container.** Any unattended drop-off box, container, receptacle, or similar facility that is operated by a person, organization, or collection center for the primary purpose of receiving or storing collected items, including household goods, clothing, or other salvageable personal items for distribution, resale, or recycling by the operator. Collection Containers do not provide a cash refund for collected items and do not include reverse vending machines.

**College.** An educational institution authorized by the state, awarding associate or higher degrees.

**Commercial Use.** An activity involving the sale of goods or services for profit.



**Commission.** The Planning Commission of the City of Menifee.

**Common Open Space.** Land within or serving as a part of a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the occupants of the development and may include such accessory structures and improvements as are necessary and appropriate.

**Community Care Facility.** A facility licensed to provide a living environment for unrelated residents who operate as the functional equivalent of a family, or in a group setting, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of aged persons, physically disabled or handicapped persons, developmentally disabled persons, nondangerous mentally ill persons, or children as defined in the appropriate statutes. Community care facilities include but are not limited to the following: day care center, group residential facility, congregate care facility, and residential care facility.

**Community Center.** A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency; a building or structure owned and operated by a governmental agency and used to provide a governmental service to the public.

**Community Development Director.** The Community Development Director of the City of Menifee or his/her designee. Also includes Planning Director.

**Community Garden.** The use of land for and limited to the cultivation and tillage of soil for the production, growing, and harvesting of any agricultural, floricultural, or horticultural commodity for public use and access.

**Conditional Use.** A use permitted in a particular zone district upon showing that such use will comply with all the conditions and standards as specified in the Development Code and authorized by the approval authority.

**Conditional Use Permit.** A permit for land use classifications with unusual site development features or operating characteristics requiring special consideration so that they may be designed, located and operated compatibly with uses on adjoining properties and the surrounding area.

**Condominium.** A building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**Congregate Care Facilities.** Establishments that provide 24-hour medical, respite, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, infirmity or disability, are unable to care for themselves on an intermediate or long-term basis, and licensed by the State of California, including, but not limited to, rest homes and convalescent hospitals, but not residential care facilities, hospitals or clinics.

**Small.** A facility that houses six or fewer persons.

**Large.** A facility that houses seven or more persons.

**Contiguous Property.** Those properties which touch property lines of any parcel, including those properties which touch said property lines of a subject parcel when such lines are projected across public or private rights-of-way, easements, roads or streets.

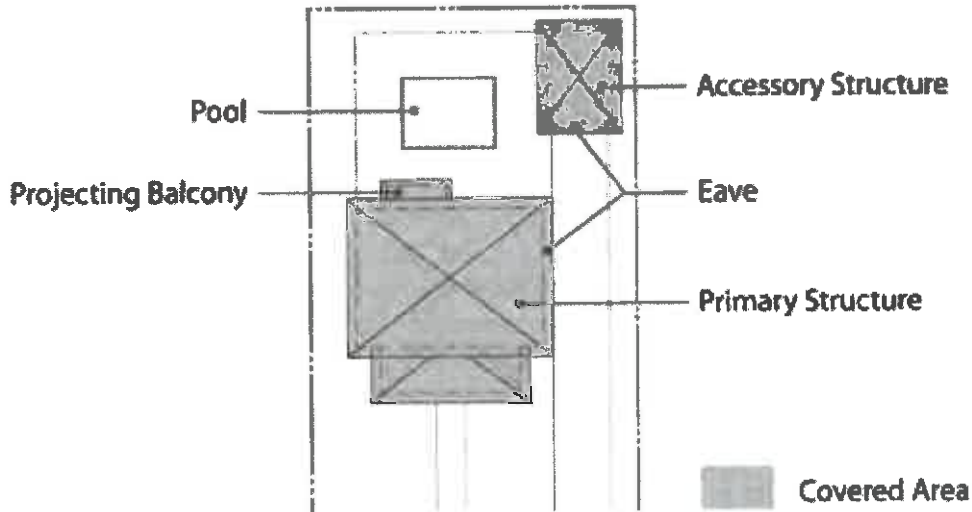
**Convenience Store.** Any small retail establishment offering for sale prepackaged food products, household items, newspapers, magazines, sandwiches and/or prepared foods for off-site consumption.

**County.** Unless otherwise specified, the County of Riverside, California.

**Covenants, Conditions, and Restrictions (CC&Rs).** A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

**Coverage, Lot.** That portion of the lot that is covered by buildings, sidewalks, driveways or other impervious surface, expressed as a percentage of total lot area.

**Coverage, Building.** The area of a parcel covered by a structure or structures, expressed as a percentage of the total lot area.



### 9.300.050 “D” Definitions

**Day Care Centers.** Establishments providing nonmedical care for persons on a less than 24-hour basis other than in a family day care home (see Family Day Care Home). This classification includes nursery schools, preschools, and day-care facilities for children or adults, and any other day-care facility licensed by the State of California.

**Days.** Shall always be consecutive calendar days, unless otherwise stated.

**Dedication.** The transfer of property, such as streets and roads or other public usage, to a public agency or utility for specific purposes.

**Density.** The number of dwelling units, households or housing structures per unit of land.

**Density Transfer.** The transfer of all or part of the permitted density from one parcel to another parcel.

**Detached.** Any building or structure that does not have a wall or roof in common with any other building or structure.

**Developer.** The legal or beneficial owner or owners of property to be developed or being developed, including the holder of an option or contract to purchase or other person(s) having enforceable proprietary interests in such property.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Development Agreement.** A contract between the City and a developer through which the developer receives vested rights to construct a project subject to specific requirements benefiting the community.

**Development Code.** A set of land use regulations, as contained in Title 9 of the Meniffee Municipal Code, adopted by the City which prescribes standards and regulations for land use and development.

**Development Rights.** The legally established right to develop land by a party.

**Director.** The Community Development Director of the City of Menifee or his/her designee.

**Discretionary Decision.** An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

**District.** A zone or geographic area in the municipality within which certain zoning or development regulations apply.

**Drainage.** Surface water runoff; the removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

**Drainage Area.** A geographical area, formed by topography, which collects and directs surface runoff from precipitation to natural or man-made channels.

**Drive-through.** Any portion of a building or development intended to allow service direct from the building through a window, kiosk or automated delivery system to vehicle occupants. Such facilities include but are not limited to food service windows, automatic teller machines or similar service systems.

**Driveway.** A roadway providing direct access for vehicles between a street or highway and an area containing parking spaces, loading, storage or refuse collection areas.

**Dwelling.** A structure or portion thereof which is used for human habitation, including provision for living, sleeping, eating, cooking and sanitation.

**Single Family, Attached.** A dwelling unit designed for occupancy by one household, located on a single lot and typically grouped together with similar units. They may be attached through vertical party wall(s) to one or more dwellings on abutting lots or may be joined by carports or garages.

**Single Family, Detached.** A dwelling unit designed for occupancy by one household and located on a separate lot from any other dwelling, except permitted accessory dwelling units. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code

**Duplex.** A single building on a lot that contains two dwelling units or two single-unit dwellings on the same lot. Duplex does not include a single family dwelling with an accessory dwelling unit on the same lot, which is an accessory residential unit as defined by State law and this Title (see Accessory Dwelling Unit).

**Multiple Family.** A single building on a lot that contains three or more dwelling units or three or more single-unit dwellings on the same lot, or any combination thereof.

### **9.300.060 “E” Definitions**

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**Easement.** A right to cross or otherwise use land for a specified purpose.

**Eave.** The projecting lower edges of a roof overhanging the wall of a building.

**Educational Institution.** An institution conducting academic instruction at the preschool, elementary school, junior high school, high school or college level.

**Elevation.** A vertical distance above or below a fixed reference level; a dimensioned drawing of the front, rear or side of a building showing features such as windows, doors and relationship of grade to floor level.



**Emergency Shelter.** A temporary, short-term residence providing housing with minimal supportive services for families or individuals experiencing homelessness, where occupancy is limited to 180 days or less, as defined in California Health and Safety Code Section 50801. Medical assistance, counseling, and meals may be provided.

**Emission.** A discharge of pollutants into the air or water.

**Encroachment.** The placement or construction of a fence, building, structure or other improvement or use on another's property or on a public right-of-way.

**Expansion.** The creation or use of additional land or floor area for a specific use or activity.

**Extension.** An increase in the amount of time that a permit or approval may be valid.

### **9.300.070 "F" Definitions**

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**Façade.** The exterior walls of a building exposed to view.

**Family Day Care Home.** State-licensed facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours within a single-family dwelling.

**Small.** The occupant of the residence provides care and supervision for up to eight or fewer children, when specific conditions are met in accordance with California Health and Safety Code Section 1597.44.

**Large.** The occupant of the residence provides care and supervision for between nine and up to 14 children, when specific conditions are met in accordance with California Health and Safety Code Section 1597.465.

**Farm Operations, Commercial.** See Agricultural Operations, Commercial.

**Farm Operations, Noncommercial.** See Agricultural Operations, Noncommercial.

**Farmers' Market.** An outdoor market where farmers and other producers of agricultural and related foodstuffs and products (including, but not limited to, bread, cheese and hand-made crafts such as seasonal goods, ornaments, hand-dipped or rolled candles, hand-made soap) may bring the products for sale to the general public. Meat, poultry, fish and similar foods will be allowed only to the extent there is proper refrigeration.

**Fence.** An exterior physical barrier erected to enclose, screen or separate areas.

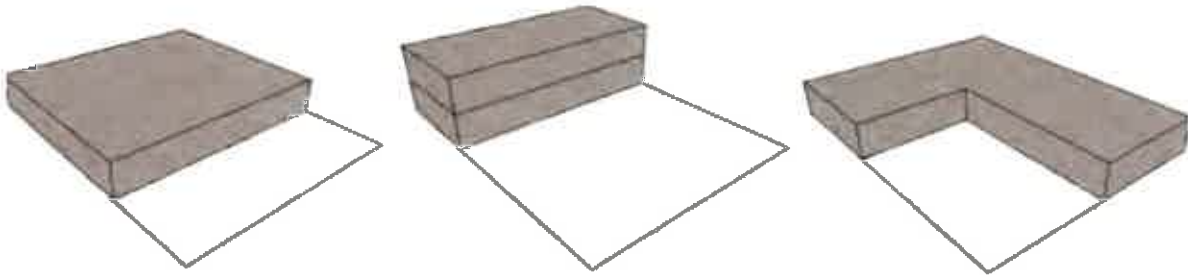
**Flag.** The symbol, insignia or display of a governmental or nonprofit organization when not displayed in connection with a commercial promotion or used as an advertising mechanism. As used in commercial promotion or used as an advertising mechanism, see Flag in Section 9.305.050 (Signs and Related Terms Defined).

**Floor Area, Gross.** The sum of all areas of the floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings but excluding any space where the floor-to-ceiling height is less than 6 feet.

**Floor Area, Net.** The total of all floor areas of a building, excluding stairwells 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.

**Floor Area Ratio.** The gross floor area of all buildings or structures on a lot divided by the total lot area.





Shown: FAR of 0.07 for each configuration

**Footprint, Building.** The outline of a building at all of those points where it meets the ground.

**Frontage.** See Lot Frontage or Yard, Front. As used in signage calculation, see Business Frontage in Section 9.305.050 (Signs and Related Terms Defined).

**Funeral Home, Mortuary.** A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ritual connected therewith before burial or cremation.

### **9.300.080 “G” Definitions**

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**Garage.** A building or a parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

**Garage, Private.** A garage used exclusively for the parking and storage of vehicles owned by residents of nearby dwelling units and their guests, which is not operated as a commercial enterprise and is not available to the general public and which is owned, leased or cooperatively operated by such residents.

**General Plan.** The City of Menifee General Plan as adopted by the City Council.

**Glare.** The effect produced by brightness sufficient to cause annoyance, discomfort or loss of visibility.

**Golf Driving Range.** A commercial recreational use, or accessory use to a golf course, where persons may practice long distance shots. Such facilities are generally outdoor uses.

**Governing Body.** The local governing unit empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**Government(al) Agency.** Any department, commission, independent agency or instrumentality of the United States, or a state, county, incorporated local municipality, authority, district or any other agency so recognized as a governmental unit.

**Government Facility.** Offices and support facilities for any seat of any federal, state, county or City agency, or special district providing services to the general population.

**Greenhouse.** A building with roof and sides made largely of transparent or translucent material used for the cultivation of plants.

**Ground Floor.** The first floor of a building other than a cellar or basement.

**Group Residential Facilities.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Facilities are typically licensed by the State of California. This classification includes clean and sober living facilities, other types of organizational housing, private residential clubs and farmworker housing, but excludes bed and breakfasts, dormitories, fraternity and sorority houses, boarding homes, rest homes, hotels, motels and residential care facilities.



Small. A facility that houses six or fewer persons.

Large. A facility that houses seven or more persons.

**Guest Living Quarter.** A building, generally detached from a main building, which contains no cooking facilities, and which is used principally for housing members of a single family and their nonpaying guests and which meets the development standards set out in this chapter. Guest living quarters also may be known as casitas. A guest living quarter is not an accessory dwelling unit.

### **9.300.090 “H” Definitions**

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**Habitable Structure.** A structure which includes habitable space for living, sleeping, eating and cooking. Closets, halls, storage or utility space, and similar areas are not considered habitable space.

**Handicapped Person.** A person who may be classified as having a physical impairment that manifests itself in one or more of the following ways: non-ambulatory; semi-ambulatory; visually impaired, deaf or hard of hearing; having faulty coordination; and having reduced mobility, flexibility, coordination or perceptiveness due to age or physical or mental conditions.

**Health Club.** An establishment that provides exercise facilities for use on-site.

**Home-Operated Business.** A commercial or service activity conducted within a dwelling, incidental and accessory to the residential use of the dwelling, which does not change the character of the surrounding area by generating more traffic, noise, odor, or storage of material than would be normally associated with a residential zone.

**Home Occupation.** Related activities to the home-operated business are conducted entirely within an enclosed structure.

**Home-Based Business.** Related activities to the home-operated business may be conducted outside or within a partially enclosed structure.

**Homeowners Association.** An association of owners in a condominium, planned unit development or residential subdivision established to provide management of property in which they own an undivided, common interest.

**Hospitals and Clinics.** State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes animal hospitals and veterinary clinics.

**Hospital.** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

**Clinic.** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities such as blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale. This classification includes substance abuse treatment and recovery programs which are not residential in nature and which exclusively administer counseling services.

**Substance Abuse Treatment Clinic.** A non-residential facility that administers medication, or supervises the self-administration of medication, for substance abuse treatment.

**Hotel.** A lodging facility offering transient accommodations to the general public, typically on a less than monthly basis, and which may provide additional services, such as restaurants, meeting rooms and recreational facilities.

### **9.300.100 “I” Definitions**

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**Impact.** The effect of any direct man-made actions or indirect repercussion of man-made actions on existing physical, social or economic conditions.

**Impervious Surface.** A surface through which water cannot penetrate, such as roof, road, sidewalk or paved parking lot.

**Individual with a Disability.** Someone who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone with a record of such impairment.

**Industrial.** The manufacture, production and/or processing of consumer goods. See also Manufacturing.

**Infrastructure.** Public facilities needed to sustain industry, residential, commercial and other land use activities.

**Intensification of Use.** A change to the existing use of a property which results in a change or increase in vehicular or pedestrian traffic or an increase in parking requirement, or induces additional environmental impacts, including but not limited to noise, light, glare, vibration, traffic, water quality, air quality or aesthetics.

**Intensity of Use.** The number of dwelling units per acre for residential development and floor area ratio (FAR) for residential or nonresidential development such as commercial, office and industrial development.

**Intersection.** The location where two or more roadways cross at the same grade.

### **9.300.110 “J” Definitions**

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**Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled or disposed of.

**Junk Yard.** The use of any lot or parcel of land for outside storage, wrecking, dismantling or salvage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture.

### **9.300.120 “K” Definitions**

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**Kitchen.** Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food.

### **9.300.130 “L” Definitions**

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**Landscape Plan.** A plan on which is shown: proposed landscape species (such as number, spacing, size at time of planting, and planting details), proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices, and any other information that can reasonably be required in order that an informed decision can be made by the approval authority.

**Land Use.** A description of how land is occupied or utilized.

**Land Use Permit.** A discretionary permit issued by the City pursuant to the Menifee Municipal Code allowing a specific activity to be conducted on an individual property.

**Legislative Act.** The means by which the legislative arm of government renders decisions, such as minute actions, resolutions and ordinances.

**Live Entertainment.** Entertainment provided by or one or more professionals and utilizing sound amplification equipment, but not including, a single vocalist or piano player with a microphone, karaoke or open-mike amateur type performances and not including adult uses.

**Living Area.** The area that is considered habitable living space. Does not include the garage, patios or screened enclosures.

**Loading Space.** An off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

**Lot.** 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.

**Corner.** 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.

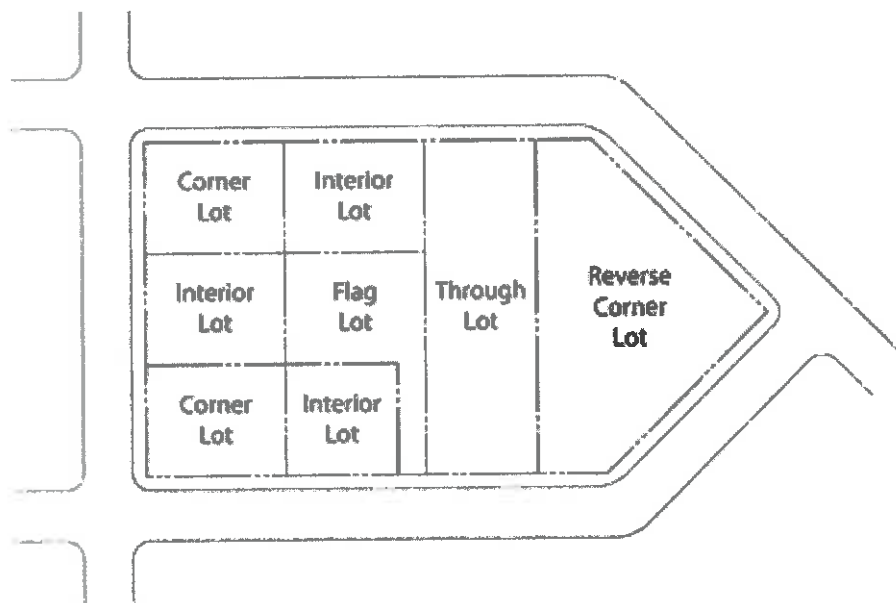
**Flag.** A lot which utilizes a narrow strip as its means of providing frontage on a street and/or providing access to the lot.

**Interior (Typical).** A lot other than a corner lot.

**Reverse Corner Lot.** A lot, the rear of which abuts the side of another lot.

**Substandard.** A parcel of land that has less than the required minimum area or dimensions.

**Through.** A lot that fronts upon two streets that do not intersect at the boundaries of the lot.



**Lot Area, Gross.** The total area within the lot lines of a lot, including any adjacent street rights-of-way.

**Lot Area, Net.** The total area within the lot lines of a lot, excluding any street rights-of-way.

**Lot Coverage.** See Coverage, Lot.

**Lot Depth.** The average distance measured from the front lot line to the rear lot line.

**Lot Frontage.** The length of the front lot line measured at the street right-of-way line. For flag lots, that portion of a lot, not including the pole portion, that is generally parallel to the access street.

**Lot Line.** A line of record bounding a lot that divides the lot from another lot or from a public or private street or any other public space.

**Front.** The lot line parallel to 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. On a flag lot, the interior lot line most parallel to the nearest street from which access is obtained.

**Interior.** A lot line which does not abut a street.

**Rear.** The lot line which intersects a side lot line and which is most distant from and most closely parallel to the front lot line.

**Side.** Any lot line other than a front or rear lot line.

**Lot Width.** The horizontal distance between the side lines, measured at the required front setback line.

**Lot of Record.** A lot that exists as shown or described on a recorded plat or deed in the records of the County Recorder.

### **9.300.140 “M” Definitions**

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**Manufactured Home.** A factory-built structure that is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, National Manufactured Housing Construction and Safety Standards Act of 1974, and/or California law and is to be used as a place for human habitation. The structure is manufactured either in whole or in substantial part at an off-site location, transported to the site, assembled on-site, and placed on a permanent foundation. For the purpose of this Development Code, a manufactured home shall be considered the same as any site-built, single-family detached dwelling. Manufactured home is not inclusive of a mobile home unless the mobile home has been converted to real property and is taxed as a site-built dwelling.

**Manufacturing.** To assemble, fabricate, compound, process, treat or remanufacture.

**Handcraft Manufacturing.** On-site production, within an enclosed structure, of goods by hand manufacturing that involves the use of hand-tools and small-scale, light mechanical equipment (e.g., drills and saws; hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels; welding) and that has no negative external impacts on surrounding properties. Handcraft manufacturing also includes the incidental direct sale to consumers of those goods produced on-site. Handcraft manufacturing does not include specialized retail uses (see Retail, Specialized).

**Light-Intensity Manufacturing.** The manufacturing, assembling, processing, storage or packaging of products, including:

1. The manufacturing of electric and electronic circuits and instruments and devices, such as, but not limited to, radio and television, phonographic equipment, calculators, computers, semi-conductors and transistors, and similar uses.
2. The manufacturing, assembly, processing, storage, or packaging of products from previously prepared materials such as, but not limited to, cloth plastic, paper, leather, and precious or semi-precious metals or stones.
3. The manufacturing of pharmaceutical products.





**Light-intensity manufacturing** does not include such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials and similar uses, uses involving the manufacturing, processing, storage or packaging of petroleum, and heavy agricultural products or other hazardous materials, or vehicle-dismantling yards, scrap and waste yards.

**Medium-Intensity Manufacturing.** Any manufacturing, storage, and distribution that does not include hazardous wastes or result in large truck usage/parking on the site.

**Heavy-Intensity Manufacturing.** The manufacturing, assembly, processing, storage, or packaging of products involving chemicals, petroleum, and heavy agricultural products or other hazardous materials.

**Membership Club.** A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and/or dues, regular meetings, and a constitution and bylaws.

**Membership Organization.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**Metal Shipping Container.** Any metal container designed, built as, or formerly used for transporting seagoing cargo not to exceed the maximum dimensions of eight by eight by 40 feet.

**Ministerial Decision.** An action taken by a governmental agency that calls for only objective determinations in deciding whether to approve and/or how to carry out a project.

**Mitigation.** Methods used to alleviate or lessen the impact of development.

**Mobile Food Truck.** Motorized vehicles that function as transportable retail food and beverage facilities. This use includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the premises.

**Mobile Home.** A trailer that is transportable in one or more sections, was built before the enactment of 42 U.S.C. Sec. 5403, National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, is over eight feet in width and 40 feet in length, and is sited with or without a permanent foundation. Mobile home does not include recreational vehicle, commercial coach, or factory built housing.

**Mobile Home Park.** Any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium or other form of resident ownership, to accommodate mobilehomes used for human habitation. The rental paid for a mobilehome shall be deemed to include rental for the lot it occupies.

**Model Home Complex.** Residential units and a temporary sales office used to illustrate the design of the units to potential homebuyers.

**Modification.** A change or alteration to an approved permit or plan.

**Motel.** An establishment providing transient sleeping accommodations with most rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Motor Vehicle.** A vehicle that is self-propelled by a motor or engine.

**Multiple Family Dwelling.** See Dwelling, Multiple Family.

**Museum.** A building or room, or any grouping thereof, open to the public, used to exhibit works of art or displays of historic objects, scientific objects or memorabilia.

### **9.300.150 “N” Definitions**

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**Nightclub.** An establishment dispensing liquor with or without meals and in which music, dancing or entertainment is featured.

**Noise Attenuation.** Reduction of noise level using a substance, material or surface, such as earth berms and/or solid concrete walls.

**Nonconforming Lot.** A lot, the area or dimensions of which was lawful and legally established prior to the adoption, revision or amendment of the Development Code but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nonconforming Structure or Building.** A structure or building, the size, dimension or location of which was lawful and legally established, prior to the adoption, revision or amendment of the Development Code but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nonconforming Use.** A use or activity that was lawful and legally established prior to the adoption, revision or amendment of the Development Code, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nuisance.** An interference with the enjoyment and legal use of property, including any act, condition or thing that is illegal and/or interferes with the rights of the public generally.

### **9.300.160 “O” Definitions**

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**Occupancy or Occupied.** The residing of an individual(s) overnight in a dwelling unit or the storage or use of equipment, merchandise or machinery in any building.

**Occupancy Permit.** See Certificate of Use/Occupancy.

**Off-Site.** Located outside the lot lines of the lot in question.

**Off-Site Improvements.** Improvements required as a result of development and including but not limited to curb, gutter, sidewalk, road widening and upgrading, stormwater facilities and traffic improvements.

**Off-Site Parking.** Parking provided for a specific use but located on a site other than the one on which the specific use is located.

**Outdoor Sales.** The display and sale of products and services outside of a building or structure.

**Outdoor Storage.** The keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

### **9.300.170 “P” Definitions**

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**Parade.** A parade, demonstration, procession, march, review, ceremony, rally or exhibition which is conducted in, on, upon or along any portion of any public street, sidewalk or other public property owned or controlled by the city which would impede, obstruct, impair or interfere with the free use of the public street, sidewalk or other public property, often to support or oppose a specific issue.

**Parapet.** The extension of the main walls of a building above the roof level.

**Park.** A tract of land designated and used by the public for active and/or passive recreation.

**Park and Ride.** A system where participants drive to a central location to carpool or gain access to public transportation to another location.



**Parking Lot.** An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.

**Parking, Shared.** Joint use of a parking area for more than one use.

**Parking Space.** A clearly defined location for the parking of a motor vehicle in a public or private parking area.

**Parking Space, Covered.** An accessible and usable covered space of not less than 10 by 20 feet for storage of automobiles. Such covered parking space to be so located on the lot as to meet the requirements of this Title for an accessory building or, if attached to the main building, to be so located as to meet all the requirements of this Title for a main building.

**Parkway.** The area of a public street between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

**Party Wall.** A dividing partition between two adjoining buildings (or units) that is shared by the tenants of each residence or business.

**Passageway.** A pedestrian pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

**Permit.** 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.** Any use allowed in a zone district and subject to the restrictions applicable to that zone district.

**Personal and Professional Services.** Establishments providing non-medical services to individuals as a primary use. May also include accessory retail sales of products related to the services provided.

**Physically Disabled.** A person who has a permanent loss of, or loss of use of, a part of the body, or permanent impairment of a body function, resulting in actual disability and a diminished ability to compete in an open market.

**Planning Department.** See Community Development Department.

**Planning Director.** See Community Development Director.

**Plat.** A map representing a tract of land showing the boundaries and location of individual properties and streets; a map of a subdivision or site plan.

**Plaza.** An open space which is improved and landscaped, usually surrounded by streets and/or buildings.

**Plot.** A single unit parcel of land; a parcel of land that can be identified and referenced to a recorded plat or map.

**Plot Plan, Minor.** The process established to provide for administrative review of projects that, because of their limited size and scope, have minor aesthetic, land use or traffic implications and do not create any significant impact on public utilities or services.

**Plot Plan, Major.** The process established to examine proposed development to ensure a high standard of quality for buildings, landscaping, parking and general site design. Such review enables the City to maintain stability in property values and prevent deterioration of property and aesthetics throughout the community.

**Porch.** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

**Prezoning.** The process or action by which cities are able to designate that portion of an unincorporated area for future annexation, with specific zoning districts which will apply upon annexation of the property to the City.

**Primary Building.** See Building, Primary.

**Primary Use.** See Use, Primary.

**Private Recreational Facilities.** Facilities including but not limited to country clubs, tennis and swim clubs, golf courses, racquetball and handball facilities, and commercial uses which are commonly associated and directly related to these uses.

**Processing.** A method that changes a material's nature, chemical composition, or physical qualities.

**Professional Office.** The office of a member of a recognized profession maintained for the conduct of that profession.

**Prohibited Use.** See Use.

**Project, Non-Subdivision.** The total development, not including subdivision of land, within the boundaries as defined on the plan for development.

**Project.** The total development, including subdivision of land, within the boundaries as defined on the plan for development.

**Projection.** That part of a building or structure which extends beyond the main wall of a building.

**Property.** A piece or parcel of land or real estate, including buildings and easements.

**Public Property.** Property owned by a governmental agency or held open to the public, including, but not limited to, parks, streets, sidewalks and alleys.

**Public Areas.** Parks, playgrounds, trails, paths, recreation areas, open spaces, scenic and historic sites, schools and other buildings and structures for public use.

**Public Improvement.** Any improvement or facility, together with the right-of-way necessary to provide transportation, drainage, utilities or other facilities that are usually owned, operated and/or maintained by a government agency.

**Public Right-of-Way.** An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

**Public Utility.** An agency that provides electricity, gas, communications, transportation, water, sewage collection or other similar service deemed necessary for the public health, safety and welfare. See also Utility Service.

### **9.300.180 "Q" Definitions**

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**Quasi-Judicial Decision.** An action which involves the application of adopted policy to a specific development application, or a land-use decision that applies to a small number of individuals or properties.

### **9.300.190 "R" Definitions**

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**Reasonable Accommodation.** In the land use and zoning context, reasonable accommodation means providing individuals with disabilities or developers of housing for people with disabilities with flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to provision of housing or service opportunities.

**Recreation, Active.** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.





**Recreation, Passive.** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and other table games.

**Recreational Vehicle.** A vehicle which is either:

1. A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational, emergency or other occupancy, that meets all of the following criteria:
2. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
3. It contains 400 square feet or less of gross area measured at maximum horizontal projection.
4. It is built on a single chassis.
5. It is self-propelled, truck-mounted or permanently towable on the highways without a permit.
6. A park trailer, as defined in California Health and Safety Code Section 18009.3.

**Recommending Authority.** The person or body granted authority to review and make a recommendation for final action to the approving authority on a proposed permit or approval.

**Recyclable Material.** Reusable material, including but not limited to metals, glass, plastic, paper and wood, intended for reuse, remanufacture or reconstitution for the purpose of being used in an altered form. Recyclable material does not include hazardous or potentially hazardous material as may be defined by the County of San Bernardino Division of Environmental Health Services, California Department of Toxic Substances Control and/or U.S. Environmental Protection Agency. Recyclable materials may include used motor oil.

**Recycling Collection Facility.** A facility for the acceptance, by donation, redemption or purchase, of recyclable materials from the public.

**Recycling Processing Facility.** A facility for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

**Religious Facility.** A building or structure, or groups of buildings or structures, that are primarily intended for conducting organized religious services and associated accessory uses. Church includes mosque, temple, synagogue, cathedral or similar religious institutions.

**Residential Care Facilities.** Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily nonmedical care and supervision for persons in need of personal services, supervision, protection or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities and group homes for minors, persons with disabilities and people in recovery from alcohol or drug addictions. This use classification excludes transitional housing and social service facilities.

**Small.** A facility providing care for six or fewer persons.

**Large.** A facility providing care for more than six persons.

**Elderly.** A housing arrangement chosen voluntarily by the resident or by the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older; and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.



**Resorts, Group Quarters, Group Camp.** Any facility, place or building for the purpose of recreational activities, which may include overnight accommodations or camp areas.

**Restaurant.** An establishment where food and drink are prepared and served.

**Retail Sales.** The selling of goods or merchandise not specifically listed under another land use, to the general public for personal or household consumption and rendering of services incidental to the sale of goods.

**General.** Retail establishments that sell goods or merchandise to the general public for profit. General retail stores may include specialized retail stores (see Retail, Specialized) but does not include adult businesses, medical marijuana dispensaries, or secondhand stores.

**Specialized.** Retail establishments that sell goods or merchandise to the general public for profit but that are focused exclusively on a limited line of related products. Examples include, but are not limited to, bicycle shops, flower shops, book stores, music stores, gift shops, etc.

**Reverse Vending Machine.** An automated mechanical device which accepts one or more types of empty beverage containers and issues a cash refund or other type of redemption bonus. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

**Rezoning.** An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, intensity or regulation of uses allowed on a designated parcel or land area; an amendment to procedures regarding implementation of zoning regulations.

**Ridgeline.** A relatively narrow elevation that is prominent because of the steep angle at which it rises; an elongated crest, or series of crests, with or without individual peaks, significantly higher than the adjoining ground.

**Right-of-Way.** See Public Right-of-Way.

### **9.300.200 “S” Definitions**

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**School.** Any institution of learning for public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the California Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education.

**School, Commercial.** Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or art form for commercial purposes.

**School, Private.** Any building or group of buildings the use of which meets state requirements for elementary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

**School, Secondary.** Any school licensed by the state, authorized to award diplomas for secondary education.

**School District.** A district that serves as a unit for state financing and administration of elementary and secondary schools.

**Screening.** A method of visually shielding or obscuring a structure or use from another by fencing, walls, berms or densely planted vegetation.

**Secondhand Store.** Retail establishment that buys and sells used products, including books, clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects.



**Senior Center.** An assembly building intended to provide nonresidential services for senior citizens.

**Senior Citizen.** Any retired person over the age of 55 or any person over the age of 62 years.

**Setback, Building.** The required distance between the building and any lot line. See Figure Figure 9.160.030-1 (Setback Designations).

**Front.** The required distance between the building and the front lot line.

**Rear.** The required distance between the building and the rear lot line.

**Side.** The required distance between the building and the interior side lot line.

**Street Side.** The required distance between the building and the side lot line adjacent to a public right-of-way.

**Setback Line.** The line that establishes the area of the property within which structures or other designated uses may be erected or placed.

**Self-Storage.** A storage facility in which individual units are rented to the public. The term includes mini-storage and mini-warehouse.

**Shooting Range.** An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

**Short-Term Rentals.** A transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than 30 days.

**Sidewalk.** A paved, surfaced or leveled area paralleling and usually separated from the street, used as a pedestrian walkway.

**Similar Use.** A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs and clientele.

**Single Family Dwelling.** See Dwelling, Single Family.

**Single Room Occupancy (SRO).** A residential facility containing housing units that may have individual or shared kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the California Health and Safety Code. Each housing unit is offered on a monthly rental basis or longer.

**Site.** A parcel of land or contiguous parcels where land alterations or activities, including grading, clearing or construction, are performed or proposed.

**Slope.** The land gradient described as the vertical rise divided by the horizontal run and expressed in terms of percentage.

$$\text{Slope percentage} = \text{Rise} \times 100 = \% \text{ Run}$$

$$\text{Slope Ratio} = \text{Run} = (x) \text{ ft run to } 1 \text{ ft rise} = x: 1 \text{ Rise}$$

**Solar Farm.** A solar facility which is developed for purposes of generating solar power for purchase or sale, regardless of size or scale. Power generated from such fields is supplied to an electric distribution system for use by a utility service or energy provider with electric energy for wholesale or retail sale or use. A commercial solar field can be one of several solar technologies including but not limited to concentrating solar power (CSP), photovoltaics (PV) or concentrating photovoltaics (CPV). A solar farm does not include small-scale solar systems designed to provide electricity directly to a user on the same site, where the system is designed only to service the peak energy demand of the on-site user.

**Specific Plan.** A plan for the long-range development of properties, consistent with the local general plan, regulating such things as uses permitted, density allowances, and distribution of uses and services, and including a program for the implementation of the plan.

**Stable, Horse.** Riding academy, or any place where horses are rented or held for rent to the public, or where such horses are stabled, kept, or maintained for a fee, or where horses are boarded or cared for by a person or persons other than their owner.

**Staff.** The staff of the various departments or divisions of the City of Menifee.

**Standard.** A rule or measure establishing a level of quality or quantity that must be complied with or satisfied; requirements of this Code regarding building and development specifications such as minimum lot area, height limit, frontage, landscaping and floor area ratio.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade, as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused under-floor space shall be considered a story.

**Story, First.** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade for more than 50 percent of the total perimeter, or not more than 8 feet below grade at any point.

**Street Improvements.** Any or all concrete curbs, gutters, sidewalks, driveway approaches and drainage structures; asphalt curbs; asphalt paving; connecting pavement; and related improvements such as back-filling and preparation of the road surface to rough grade, and the placement of paving.

**Street, Private.** A street that has not been accepted by the City or other governmental entity.

**Structure.** A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

**Structure, Accessory.** A structure which is detached from the main building on a parcel or lot, the use of which is incidental to that of the primary building. An accessory structure includes but is not limited to a detached garage, greenhouse, storage shed, studio, pool house, cabana, barn, pole barn, stable or workshop.

**Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as defined in Section 66424 of the Subdivision Map Act.

**Supportive Housing.** Dwelling units with no limit on the length of stay, that are occupied by the target population as defined in California Health and Safety Code Section 50675.14, and that are linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community.



**Swap Meet.** Any indoor or outdoor place, location, or activity where new or used goods are offered for sale or exchange to the general public by a multitude of vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to flea markets, auctions, open air markets or other similar activities, but the term does not include a supermarket, department store or typical retail operations.

### **9.300.210 “T” Definitions**

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**Target Population.** Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.

**Temporary Structure.** A structure without a foundation which is capable of being moved.

**Temporary Use.** Special events which, by their nature, are non-recurring and which continue for a limited period of time provided, but which in no event occur for more than one year. Events which will occur for more than one year (even when sporadic) require other types of land use approvals. Temporary uses may occur indoors or outdoors, on improved or unimproved property and should be consistent with the zone for that property and its uses.

**Terrace.** A level, landscaped and/or surfaced area, also referred to as a patio, directly adjacent to a primary building at or within 3 feet of finished grade and not covered by a permanent roof.

**Tot Lot.** An improved and equipped play area for small children usually up to elementary school age.

**Toxic Substances.** Any combination of contaminants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms, or their offspring, and that adversely affect the environment.

**Tract Map.** A map showing a subdivision of five or more parcels for which a tentative and final map are required by the Subdivision Map Act, prepared in accordance with the provisions of the Subdivision Map Act, and designed to be filed for recordation in the Office of the County Recorder.

**Transit.** The conveyance of persons or goods from one place to another by means of a public transportation system.

**Transitional Housing.** Dwelling units configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance.

**Transportation Station.** A place where transfer between modes of transportation takes place; a terminating point where goods are transferred from a truck to a storage area or to another form of transportation.

### **9.300.220 “U” Definitions**

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**Underground Facility.** Any facility or structure built completely below grade to be used for storing personal property of the property owner such as a root cellar or a wine cellar or serving as a shelter or bunker for safety purposes in the event of a disaster, either natural or man-made. No underground facility may be rented for any purpose.

**Use.** The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

**Use, Accessory.** A use incidental to and customarily associated with a specific primary use, located on the same lot or parcel.

**Use, Primary.** The principal or predominant use of any lot or parcel.

**Utility.** See **Public Utility**.

**Utility Services.** The generation, transmission and/or distribution of electricity, gas, communications and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

### **9.300.230 “V” Definitions**

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**Variance.** A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

**Vehicle Body Repair, Paint or Restoration.** A commercial use often referred to as a body and fender shop through which damaged or wrecked vehicles are repaired or restored.

**Vehicle Dismantling.** See **Vehicle Wrecking**.

**Vehicle Leasing and Rental.** A business whose primary purpose is to provide vehicles to serve customer transportation needs. Such vehicles may include automobiles, trucks, bicycles, motorcycles, trailers and/or recreational vehicles.

**Vehicle Repair, Major.** A facility which provides heavy repair of vehicles and/or trucks including but not limited to body and fender repair, automotive painting, transmission and/or engine rebuilding, or other repair services which include the removal of major automotive mechanical components of a vehicle.

**Vehicle Repair, Minor.** A facility which provides light repair of vehicles and/or light trucks, including but not limited to engine tune-up, oil change, brake repair and replacement, muffler replacement, and the sale and/or installation of tires, batteries and accessories.

**Vehicle Sales.** A facility for the display and sale of new or used automobiles, light trucks, vans, trailers or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use in designated buildings.

**Vehicle Storage Lot.** A parcel or parcels of land utilized for long-term or short-term vehicle storage, including cars, motorcycles, trucks, light trucks and/or recreational vehicles.

**Vehicle Wrecking.** The dismantling and parting out of motor vehicles or trailers, or the storage and/or sale of dismantled or wrecked motor vehicles or their parts.

**Veterinary Clinic.** A place where animals are given medical care and where the boarding of animals is limited to short-term care incidental to the medical care.

### **9.300.240 “W” Definitions**

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**Wall.** The vertical exterior surface of a building; vertical interior surfaces that divide a building’s space into rooms; fences made of block or stucco, or similar permanent material.

**Warehouse.** A building used primarily for the storage of goods and materials.





**Watercourse.** A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Wheel Stops.** Permanent devices that block the front wheels of a vehicle in a parking stall.

### **9.300.250 “X” Definitions**

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### **9.300.260 “Y” Definitions**

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**Yard.** The open space between a lot line and the required building setback line within which no structure shall be located except as otherwise provided in this Code. Yards shall be unobstructed from the ground to sky. See Figure 9.160.030-1 (Setback Designations).

**Front.** A yard extending across the full width of the lot between the side lot lines and between the front lot line and the front setback line. The front lot line shall be deemed to be the existing nearest right-of-way line of the abutting street, road or highway, unless a different right-of-way line for future use shall have been precisely fixed by law or ordinance, or by formal action of the City Council pursuant to law or ordinance, in which event the front lot line shall be deemed to be such different right-of-way line. In the event of multiple adjacent rights-of-way in residential zones, the front of the lot shall be that portion of the lot adjacent to the lowest classification of roadway as established in the General Plan Circulation Element. For all other land use districts, the front of a lot with multiple adjacent rights-of-way shall be that portion of the lot adjacent to the highest classification of roadway as established in the General Plan Circulation Element (unless otherwise established by the General Plan). In the event that more than one adjacent right-of-way are of the same classification, building orientation shall determine the front yard in all zones.

**Rear.** A yard extending across the full width of the lot between the side lot lines and measured between the rear lot line and the rear setback line. Where a rear yard abuts a street, it shall meet the front yard requirements of the district.

**Side.** That portion of a lot adjacent to a property line that is not a front or rear yard as defined herein.

**Street Side.** A side yard adjacent to a public right-of-way.

### **9.300.270 “Z” Definitions**

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**Zone.** The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

**Zone District.** A designated section of the City for which prescribed land use requirements and building and development standards are uniform.

**Zoning Map.** The map or maps that are a part of a zoning ordinance that delineate the boundaries of zone districts.

## **Chapter 9.305 Special Standard and Use Definitions**

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Contents:

9.305.010 Purpose

9.305.020 Animal Keeping and Related Terms Defined

9.305.030 Density Bonus and Related Terms Defined

- 9.305.040 Marijuana and Related Term Definitions
- 9.305.050 Signs and Related Terms Defined
- 9.305.060 Noise Control Regulations
- 9.305.070 Wireless Communications and Related Terms Defined

### **9.305.010 Purpose**

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This chapter provides definitions of terms and phrases used in this Development Code that are specific to regulated uses or the application of certain development standards contained in this Title and are intended to apply in addition to those terms defined in Chapter 9.300 (Universal Definitions). If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this chapter, or other provisions of the Municipal Code, the Community Development Director shall determine the most appropriate definition in compliance with Chapter 9.10 (Rules of Interpretation). State law definitions, as they may be amended from time to time, control over the definitions in this section.

### **9.305.020 Animal Keeping and Related Terms Defined**

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**Animal.** Except for humans, any living, breathing creature, including mammals, birds, rodents, dogs, livestock, pets, reptiles, insect, fish, horse, livestock or other non-human creature, whether wild or domestic.

**Small.** Pygmy goats, potbelly pigs, poultry, rabbits, domestic dogs and cats and other comparably sized animals distinguished from those defined as medium or large animals.

**Medium.** Swine, pygmy horses, goats, sheep and other comparably sized animals distinguished from those defined as small or large animals.

**Large.** Horses, cows and other animals so categorized by their size, weight and/or appearance to be large animals.

**Animal Hospital.** A place where animals or pets are given medical or surgical treatment and care.

**Animal Keeping, Commercial.** The keeping, breeding, caring, boarding, training, or marketing of animals for sale or for profit.

**Animal Keeping, Non-Commercial.** The keeping, breeding, caring, boarding, training, or marketing of animals for personal use.

**Animal Rescue.** The care and boarding of animals at a residence for noncommercial or not for profit purposes. The number and type of animals allowed are limited to that which would otherwise be allowed as pets.

**Apiary.** A facility for the keeping of bees.

**Aviary.** A facility for the keeping of birds.

**Cat.** A domestic cat of the species *Felis catus*, including its young or kittens.

**Cattery.** Any building, structure, enclosure, or premises whereupon, or within which, ten or more cats, four months of age or older, are kept or maintained.

**Cattle.** All species of bovine.

**Crowing Fowl.** Roosters, peacocks, turkeys, and guinea fowl.



**Dog.** An animal, domestic dog of the species canine of either sex, altered or unaltered, that has reached the age of four months.

**Enclosure.** A fence, pen or structure suitable to securely and humanely prevent the animal from escaping or the entry of unauthorized persons.

**Horse.** Animal of the Equus genus, including mule, ass, donkey, and miniatures.

**Kennel.** Any building, structure, enclosure, or premises whereupon, or within which, five or more dogs, four months of age or older, are kept or maintained.

**Non-Crowing Fowl.** Poultry other than crowing fowl.

**Pet.** Any animal that is kept and cared for, for companionship, protection or adornment of a home. Pets shall include but not be limited to: dogs, rabbits, cats, caged homing pigeons, nonpoisonous insects, ornamental or songbirds, fish, nonpoisonous snakes under 6 feet long, domesticated hedgehogs, or small animals kept in a cage such as hamsters, lizards, white mice, domestic rodents, or reptiles. Pets shall not include horses, pigs of any type, large or small livestock, or exotic animals.

**Petting Zoo.** A collection of farm animals, such as goats, ducks, and sheep, and sometimes docile wild animals such as turtles or deer, for children to feed and pet.

**Pig.** All species and sizes of pigs and hogs, genus Sus.

**Poultry.** Winged and feathered animals including, but not limited to, chickens, hens, roosters, ducks, geese, and turkeys. Includes both crowing fowl and non-crowing fowl.

**Premises.** Any dwelling, parcel of land, structure, residence, building, pen, corral, enclosure, fenced yard, or dog run.

### **9.305.030 Density Bonus and Related Terms Defined**

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**Affordable Housing.** Dwelling units with a sales price or rent within the means of a low- or moderate-income household as defined by state or federal legislation. As used in this development code:

1. Very low income refers to family units/households whose annual income is 50% or less of the area's median income as defined in Health and Safety Code Section 50105 (Government Code Section 65915(b)(1)(B)).
2. Low income refers to family units/households whose annual income is between 50% and 80% of the area's median income as defined in Health and Safety Code Section 50079.5 (Government Code Section 65915(b)(1)(A)).
3. Moderate income refers to family units/households whose annual income is between 80% and 120% of the area's median income as defined in Health and Safety Code Section 50093 (Government Code Section 65915(b)(1)(D)).

**Affordable Housing Benefits.** Means one or more of the following:

1. A density bonus pursuant to Section 9.180.060.
2. An incentive pursuant to Section 9.180.100.
3. A development standard waiver or modification pursuant to Section 9.180.130.
4. A parking standard modification pursuant to Section 9.180.140.

**Affordable Housing Cost.** The definition set forth in Health and Safety Code Section 50052.5 (Government Code Section 65915(c)(1)).



**Affordable Housing Developer.** The applicant or permittee of a qualified housing development and its assignees or successors in interest.

**Affordable Rent.** The definition set forth in Health and Safety Code Section 50053 (Government Code Section 65915(c)(1)).

**Childcare Facility.** A child day-care facility other than a family day-care home, including but not limited to infant centers, preschools, extended day-care facilities and school-age childcare centers (Government Code Section 65915(h)(4)).

**Common Interest Development.** Any of the following: a community apartment project, a condominium project, a planned development or a stock cooperative pursuant to Civil Code Section 1351(c) and Civil Code Section 4100. All common interest development units must be offered to the public for purchase (Government Code Section 65915(b)(1)(D)).

**Condominium Conversion Project.** A residential project in which the applicant proposes to convert apartment units to condominiums pursuant to Government Code Section 65915.5(a).

**Density Bonus.** A process by which a city can increase the density within a development project by a percentage established by law or through which the city offers incentives that support economic viability in return for guarantees with respect to the preservation of the rights of use or sale for affordable housing purposes.

**Density Bonus Units.** Dwelling units granted pursuant to Section 9.180.030 which exceed the otherwise maximum allowable residential density.

**Development Standard.** A site or construction condition, including but not limited to a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement or a parking ratio, that applies to a residential development pursuant to the development code, the General Plan or other City condition, law, policy, resolution or regulation (Government Code Section 65915(o)(1)).

**Housing Development.** A development project of five or more residential units. Includes a subdivision or common interest development that is approved by the city and consists of residential units or unimproved residential lots, and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-family dwelling where the result of the rehabilitation would be a net increase in available residential units (Government Code Section 65915(i)).

**Incentive.** Means “incentives and concessions” as that phrase is used in Government Code Section 65915.

**Market-Rate Unit.** A dwelling unit that is not an affordable unit.

**Maximum Allowable Residential Density.** The density allowed under the development code and the Land Use Element of the General Plan, or if a range of density is permitted, the maximum allowable density for the specific district density range applicable to the project. If the density allowed under the development code is inconsistent with the density allowed under the Land Use Element of the General Plan, the General Plan density shall prevail (Government Code Section 65915(o)(2)).

**Minimum Affordable Housing Component.** A housing development project that includes a minimum of any of the following:

1. **Very Low-Income Minimum Affordable Housing Component** – Provides at least 5% of the total units for very low-income household residents (Government Code Section 65915(b)(1)(B)); or
2. **Low-Income Minimum Affordable Housing Component** – Provides at least 10% of the total units for low-income households (Government Code Section 65915(b)(1)(A)); or



3. Moderate-Income Minimum Affordable Housing Component – Provides at least 10% of the total dwelling units in a common interest development for moderate-income households (Government Code Section 65915(b)(1)(D)).

Other Incentives of Equivalent Financial Value. The reduction or waiver of requirements which the City might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the City to provide cash transfer payments or other monetary compensation (Government Code Section 65915.5(c)).

Qualified Housing Development. A housing development that meets the requirements of Section 9.180.030 for density bonus.

Qualified Land. Land offered for donation in accordance with Section 9.180.090 that meets the criteria set forth in Subsection 9.180.090.A.

Senior Citizen Housing Development. A residential development that is developed, substantially rehabilitated or substantially renovated for senior citizens and that has at least 35 senior citizen housing development units (Government Code Section 65915(b)(1)(C)).

Senior Citizen Housing Development Unit. A residential dwelling unit in a senior citizen housing development that is available to, and occupied by, a senior citizen as defined in Civil Code Section 51.3.

Specific, Adverse Impact. A significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application for the housing development was deemed complete. Inconsistency with the development code or General Plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65589.5(d)(2)).

Total Units and Total Dwelling Units. Dwelling units other than density bonus units (Government Code Section 65915(b)(3)).

### **9.305.040 Marijuana and Related Term Definitions**

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Hookah. A glass or metal water pipe usually decorated and shaped somewhat like a bottle or small tank, with a long, flexible cord pipe. Also known as shisha, nargile, hubble bubble, nag and turkish water pipe.

Hookah Lounge. An area of a commercial establishment, whether enclosed, indoor or outdoor, designated specifically for the use of hookahs, but does not include private use of hookahs in personal residences if otherwise in compliance with applicable law.

Indoor Cultivation. Marijuana cultivation for personal, non-medicinal use within an individual's private residence, or within an accessory structure that is fully enclosed and secure.

Marijuana. Any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannibus rueralis*, or other variations that contain the psychotropic compound Tetrahydrocannabinol (THC), whether growing or not; the seed thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term marijuana shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 through 11362.85 (Medical Marijuana Program).



**Marijuana Cafe.** An area of a commercial establishment, whether enclosed, indoor or outdoor, designated specifically for the use of marijuana, but does not include private use of marijuana in personal residences if otherwise in compliance with applicable law.

**Marijuana Cultivation.** Growing, planting, harvesting, drying, curing, grading, trimming or processing of marijuana. The term marijuana cultivation shall also include “mobile cultivation,” that being the cultivation of marijuana within a movable conveyance such as a vehicle, truck, trailer, recreational vehicle, mobile home or other such mobile device.

**Marijuana Dispensary.** Any facility or location, whether fixed or mobile, where marijuana is made available to or distributed by or distributed to any individual.

**Marijuana Processing.** Any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to drying, cleaning, curing, packaging and extraction of active ingredients to create marijuana-related products and concentrates. Further, marijuana processing shall include marijuana byproducts created at another location and transported to a site to be used as an additive in another product.

**Medical Marijuana Dispensary.** Any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a patient with an identification card. All three terms are identified in strict accordance with California Health and Safety Code Section 11362.4 et seq. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law: A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such uses comply strictly with applicable law, including but not limited to, Health and Safety Code Section 11362.5 et seq.

**Mobile Marijuana Dispensary.** Any clinic, cooperative, club, business or group which transports or delivers, or arranges the transportation or delivery of, marijuana to a person for either personal, recreational or medical use.

### **9.305.050 Signs and Related Terms Defined**

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For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Abandoned Sign.** A sign which no longer directs, advertises or identifies a legal, existing business establishment, product or activity on or off the site where such sign is displayed.

**Address Sign.** A sign that displays the address of a residence, business and/or property and that contains no advertising.

**A-Frame Sign.** A freestanding portable sign usually hinged or attached at the top and widening at the bottom to form a shape similar to the letter "A".

**Animated Sign.** Any sign that uses movement or change of lighting, including reflective lighting, to depict action or create a special effect or scene.

**Attached Sign.** Any sign or advertising device which is permanently affixed to a structure or building.



**Automobile Center.** A location at which new and/or used automobiles, trucks, vans, trailers, recreational vehicles, boats, motorcycles or other similar motorized transportation vehicles are leased and/or sold on site.

**Awning Sign.** Any sign or graphic attached to, painted on or applied to an awning or canopy.

**Backlit Channel Letter Sign.** A type of sign utilizing opaque channel letters with an open back. Backlit channel letters contain the only source of light that projects such light onto the background against which the channel letters are silhouetted. Also known as a halo sign.

**Balloon.** Any mobile device that is inflated with gaseous materials and is used for the purpose of attracting attention, whether or not it contains a written or graphic message.

**Banner Sign.** Any cloth bunting, plastic, paper, fabric or similar material attached to or pinned on or from any structure, used for the purposes of advertising a business, organization, service, product or event. Flags and flag signs shall not be considered banners.

**Billboard.** A freestanding off-site sign which advertises a name, place, product, service or any other subject not related to the property or use of the property on which it is located. Also see "off-site sign."

**Blade Sign.** Any sign, other than a wall or projecting sign, which hangs from a building and extends perpendicular from the face of a building.

**Business Directory.** A sign identifying the location of occupants of a building or a group of buildings which are divided into rooms or suites used as separate offices, studios or shops.

**Business Frontage.** That portion of a business facade which encloses an individual tenant and/or business fronting on either a public street, common use parking area, pedestrian area or driveway, excluding alleys.

**Can Sign.** A type of wall sign that utilizes a cabinet or similar enclosure affixed to a wall, and typically has a replaceable lens or sign face. Also known as a lens sign.

**Channel Letter Sign.** A sign utilizing individual letters and/or numbers that protrude away from the wall or structure on which the letters and/or numbers are individually mounted.

**Common Use Parking Area.** An on-site parking lot to which a business has access for providing parking for its tenants and customers.

**Construction Sign.** A temporary sign containing information pertaining to the development on the site where the sign is located, which may include the name of the project, the developer, contractor, architect, financing source, future occupants or other information directly related to the development.

**Copy.** Any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

**Customary Maintenance.** The replacing or repairing of a part or portion of a sign necessitated by ordinary wear and tear, or the reprinting of existing copy without changing the wording, composition or color of said copy.

**Detached Sign.** See "freestanding sign."

**Directional Sign, On-Site.** Any on-site sign which is designed, erected and maintained to serve as public convenience in directing pedestrian and/or vehicular traffic, but not used for the purpose of advertising uses or activities on the site.

**Double-Faced Sign.** A single structure designed with the intent of displaying copy on two sides.

**Drive-Up Menu Board.** A sign identifying the food items sold on the site. May include means to order the food from a vehicle to be picked up at a drive-up window.

**Electronic Display Sign.** Any sign with a fixed or changing display/message composed of a series of lights, but not including time and temperature displays.

**Exposed Raceway.** An enclosure or conduit that is used to conceal wiring for a lighted sign and is visible from any elevation, typically located between the sign and the building to which the sign is attached.

**Externally Lighted Sign.** A sign whose illumination is arranged so that the light is reflected from the sign to the eyes of the viewer.

**Finished Grade.** The established finished grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating a sign.

**Flag.** A visual device with no commercial copy, usually rectangular in shape and made of a cloth material suspended by, or attached to, a pole or post and that may be raised or lowered.

**Flag Sign.** A visual display device with commercial copy, usually rectangular in shape and made of a cloth material suspended by, or attached to, a post or pole and may be raised and lowered.

**Flashing Sign.** Any electric sign which intermittently flashes on and off, changes in intensity or creates the illusion of flashing in any manner.

**Freestanding Sign.** A sign which is supported by one or more braces, poles, posts or other similar structural components that are placed on or anchored in the ground and are not attached to a building or buildings. Freestanding signs include monument and pole signs.

**Freeway-Oriented Sign.** Any sign whose primary purpose is to identify the business to motorists on the freeway.

**Freeway-Visible Sign.** Any sign that may be visible from the freeway, but whose primary purpose is not to be freeway-oriented.

**Frontage.** That part of a building or a site that fronts on a street.

**Garage Sale Sign.** A temporary sign for the purpose of advertising a garage sale.

**Grand Opening Sign.** A temporary promotional sign used by newly established businesses to inform the public of their new location and service. "Grand opening" does not mean an annual or occasional promotion of retail sales by a business.

**Human Sign.** Any person wearing, carrying and/or moving a sign, or functioning as a sign, to attract the attention of motorists or pedestrians to a business, product or event. Human signs include, but are not limited to, sign spinners and costumed humans.

**Illegal Sign.** Any sign not authorized or permitted by this chapter, or a sign erected without first obtaining the required approval or for which the required permit has expired or been revoked.

**Internal Directional Sign.** A sign placed on private property that serves solely to guide or designate the location or direction to any place or area on that property.

**Internally Lighted Sign.** A sign whose illumination is entirely within the sign, making the contents of the sign visible at night by means of a light being transmitted through translucent or semi-translucent material, but with the source of the illumination itself not being visible.

**Kiosk.** A freestanding round or multiple-sided structure whose main purpose is to display signs or information.

**Logo.** A trademark or symbol of an organization which is registered with the federal or state government and consistently used in conducting the business activities of said organization.

**Marquee.** A permanent structure that is typically attached to and supported by a building and that projects beyond the building wall and usually uses changeable copy.

**Master Sign Program.** A specific set of design standards established for the purpose of unifying a variety of signs associated with a multitenant or multiuse project, building or complex of buildings.

**Model Home Sign.** Signs advertising or related to a model home complex.

**Monument Sign.** A freestanding cabinet or panel sign mounted on or within a base, above grade, which is detached from any building, where the sign structure is not narrower than the display surface of the sign.

**Mural, Commercial.** A display or illustration painted on a building or wall intended to advertise a product, service or business.

**Mural, Noncommercial.** A hand-produced work of visual art that is tiled or painted directly upon, or affixed directly to, a building or wall and that is not intended to advertise a product, service or business. Does not include mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl, murals containing electrical or mechanical components, or changing image murals.

**Neon-Style Sign.** A sign that, in part or in full, is made of lighting that utilizes neon or other gases in translucent tubing, or other lighting that has a similar look.

**Off-Site Sign.** A sign which advertises or directs attention to a person, establishment, merchandise, business, service, event or entertainment which is not located, sold, produced, manufactured, provided or furnished on the site, parcel and/or lot where the sign is located.

**On-Site Sign.** A sign which advertises or directs attention to a person, establishment, merchandise, business, service, event or entertainment which is located, sold, produced, manufactured, provided or furnished on the site, parcel and/or lot where the sign is located.

**Pole Sign.** A freestanding sign directly supported by a sign structure consisting of poles, posts or braces or other similar components that is narrower than the display surface of the sign.

**Portable Sign.** A sign that is easily transported and not permanently fixed to a building, permanent structure, fixture or the ground and that is usually displayed in front of the business. Portable signs do not include banner signs, grand opening signs or real estate signs.

**Projecting Sign.** A sign, other than a wall sign, that projects more than 12 inches from, and is supported by, the wall to which it is affixed, and does not project above the wall to which it is attached.

**Real Estate Sign.** A sign indicating that the site or building is for sale, lease or rent.

**Regional Center.** A retail or business center exceeding 20 acres in overall project area and containing more than 200,000 square feet in building area.

**Retail, Primary Establishment.** A retail tenant of a multitenant center that serves as a primary attractor of customers to the center and has a larger lease space than other tenants in the center, as determined by the Community Development Director.

**Retail, Sub-Establishment.** A retail tenant of a multitenant center that is not a "retail, primary establishment," as defined in this section.

**Roof Sign.** Any sign which is erected, constructed or maintained on or above a roof system, plate-line, roof-line or parapet of any building.

**Service Station Sign.** Signage that is utilized to identify or advertise the servicing of motoring vehicles, including the sale of gas.

**Sign.** Any object, device, display or structure, or part thereof, that is used to identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Sign Area.** The entire area of a sign face, including the nonstructural perimeter trim, but excluding structures or uprights on which the sign is supported, unless such supports or uprights are designed in such a manner as to form an integral background of the sign.

**Subdivision Directional Sign.** A sign consisting of the name of a subdivision and a directional arrow that directs people to a new residential subdivision.

**Subdivision Sign.** A sign advertising or identifying a residential subdivision.

**Temporary Sign.** Any sign that is intended to be displayed for a short duration of time, that is not permanently mounted and that is not intended for permanent display. Includes, but is not limited to, noncommercial murals, human signs, signs held by hand and signs personally attended to.

**Unmaintained Sign.** A sign that is not maintained in a safe, presentable and good structural condition at all times, including, but not limited to, replacement of defective parts, painting, repainting, cleaning and other acts required for proper sign maintenance. Signs which are faded, tattered and/or torn shall be considered unmaintained.

**Wall Sign.** Any sign which is attached to, painted on or erected upon the exterior wall of a building or structure including the parapet, with the display surface of the sign parallel to the building wall.

**Window Sign.** Any sign painted, attached, glued or otherwise affixed to the interior or exterior surfaces of a window or located within 5 feet of the interior side of a window for the primary purpose of being visible from the exterior of the building.

**Wind-Driven Sign.** A single or series of pennants or other similar objects which are fastened together at intervals by wire, rope, cord, string or by any other means and which are designed to move and attract attention upon being subjected to pressure by wind or breeze. Certain flags and flag signs may not be considered a wind-driven sign.

### **9.305.060 Noise Control Regulations**

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**A-Weighted Decibel (dBA).** The standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequencies of sound in a manner similar to the human ear for moderate sounds.

**Audio Equipment.** A television, stereo, radio, tape player, compact disc player, MP3 player, iPod, music equipment/instrument or other similar device.

**Decibel (dB).** A unit for measuring the relative amplitude of a sound equal approximately to the smallest difference normally detectable by the human ear, the range of which includes approximately 130 decibels on a scale beginning with zero decibels for the faintest detectable sound. Decibels are measured with a sound level meter using different methodologies as defined below.

**Equivalent Continuous Noise Level (Leq).** The noise level energy averaged over the measurement period. For example, a 10-minute Leq would be averaged over a 10-minute period.

**Motor Vehicle Sound System.** A television, stereo, radio, tape player, compact disc player, MP3 player, iPod, music equipment/ instrument or another similar device attached to or installed within the vehicle.

**Noise.** Any loud, discordant or disagreeable sound.



**Occupied Property.** Property upon which is located a residence, business or industrial or manufacturing use. Property where a residential, commercial, business, industrial, manufacturing or storage activity is taking place.

**Off-Highway Vehicle.** A motor vehicle as defined in California Vehicle Code Section 38006, including without limitation off-highway motorcycle, sand buggy, dune buggy, all-terrain vehicle or jeep.

**Sensitive Receptor.** A living organism or land use that is identified as sensitive to noise in the Noise Element of the City's General Plan, including, but not limited to, residences, schools, hospitals, churches, rest homes, cemeteries or public libraries.

**Sound-Amplifying Equipment.** A loudspeaker, microphone, megaphone or other similar device.

**Sound-Generating Equipment.** A musical instrument/device, motor, generator or other mechanical equipment or device capable of generating sound not otherwise defined herein.

**Sound Level Meter.** An instrument meeting the standards of the American National Standards Institute for Type 1 or Type 2 sound level meters or an instrument that provides equivalent data.

### **9.305.070 Wireless Communications and Related Terms Defined**

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**Antenna.** A device used for the purpose of transmitting and/or receiving wireless communication signals; does not include a satellite dish or antenna.

**Antenna Structure.** An antenna and its associated support structure, such as a monopole or tower.

**Electric Utility Tower.** A structure that supports, holds or contains wires that transfer electricity.

**Equipment Enclosure.** Any freestanding or mounted structure, shelter, cabinet or vault used to house and protect the electronic and supporting equipment necessary for processing wireless communication signals. Supporting equipment includes, but is not limited to, air conditioners and emergency generators and other backup power suppliers.

**Monopole.** A vertical, unguyed structure erected on the ground to support an antenna.

**Support Facility.** Equipment and structures constructed in support of wireless communication or antenna structures. Support facilities may include, but are not limited to vaults, equipment rooms, utilities and equipment enclosures.

**Tower.** A structure that supports, holds or contains equipment that sends and/or receives wireless communication signals, including, but not limited to, antennas.

**Wireless Communication Service Provider.** The private entity that is responsible for providing wireless communication to the general public or that owns or operates a wireless communication facility. Includes a company which owns the facilities and leases them to a wireless communication service provider. Shall also mean "telecommunication service provider."

**Wireless Communication Facilities.** Facilities that send and/or receive personal wireless communication signals, including, but not limited, to antennas, microwave dishes or horns, antenna structures, towers, equipment enclosures and the land upon which they are all situated, but not including satellite antennas. Wireless communication facilities are classified as follows:

1. **Concealed Wireless Communication Facilities.** Facilities blended into the environment so as not to be seen at all or, if seen, not to be recognized as wireless communication facilities; also called "stealth." Concealed wireless communication facilities include, but are not limited to, architecturally screened roof-mounted facilities, facade-mounted design feature facilities, clock tower facilities and entry statement signage facilities.

2. **Disguised Wireless Communication Facilities.** Facilities designed and sited so as to be minimally visually intrusive. Disguised wireless communication facilities include, but are not limited to, disguised palm trees (monopalms), disguised pine trees (monopines), disguised ball field light poles, disguised water towers, disguised streetlights, disguised electric utility poles, suspended wire antennas and painted poles located within a grove of live trees.
3. **Co-located Wireless Communication Facilities.** Facilities owned by one wireless communication service provider that are attached to facilities owned by a different wireless communication service provider or facilities owned by another utility, such as an electric utility tower.
4. **Other Wireless Communication Facilities.** Facilities that are not concealed, disguised or co-located.
5. **Small Cell Telecommunication Facility.** An unstaffed facility, excluding a satellite dish antenna, that consists of a base station which provides wireless device, data and/or image transmission within a designated service area and may consist of a low-powered access node with no more than five watts of transmitter output power per antenna channel, and may not be larger than a maximum height of three feet and a maximum width of two feet.

# ARTICLE 1: GENERAL PROVISIONS

Adopted

Date

Effective

Date

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CHAPTER 7.01	PURPOSE AND APPLICABILITY .....	7-1
CHAPTER 7.05	ADMINISTRATIVE RESPONSIBILITIES .....	7-4
CHAPTER 7.10	RULES OF INTERPRETATION .....	7-6
CHAPTER 7.15	ENFORCEMENT .....	7-8

## CHAPTER 7.01 PURPOSE AND APPLICABILITY

### SECTIONS

7.01.010	Title .....	7-1
7.01.020	Purpose and Intent .....	7-1
7.01.030	Authority .....	7-1
7.01.040	Applicability.....	7-1
7.01.050	Exceptions .....	7-1
7.01.060	Consistency with the General Plan .....	7-2
7.01.070	Conflicting Requirements.....	7-3
7.01.080	Status of Covenants and Agreements.....	7-3
7.01.090	Severability.....	7-3

#### 7.01.010 Title

This Title is known as the Subdivision Ordinance of the City of Menifee, hereinafter referred to as the Title.

#### 7.01.020 Purpose and Intent

The purpose of this Title is to provide the City with legal authority for the review of the design and improvement of subdivisions and the processing of any proposed division, consolidation, and/or reconfiguration of land within the city.

#### 7.01.030 Authority

This Title is adopted pursuant to the authority reserved to the City by Article XI, Section 7, of the California Constitution and the authority granted to the City by Section 66411 of the Government Code to supplement and implement the California Subdivision Map Act, Section 66410 et seq. of the Government Code, as may be amended from time to time, hereinafter referred to as the Map Act.

#### 7.01.040 Applicability

This Title shall apply to any division, consolidation, and/or reconfiguration of land within the city, except as identified in Section 7.01.050 (Exceptions), and shall govern the preparation, processing, and approval of all tentative maps, final maps, parcel maps, lot line adjustments, parcel mergers, reversions to acreage, and waivers and all other actions regulated hereby. Any other matter not regulated by this Title shall be regulated by the Map Act.

#### 7.01.050 Exceptions

The following are excepted from Division 2 of Title 7 of the Government Code. These exceptions are described more fully in Government Code Section 66412 et seq.:

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks.
- B. Mineral, oil, or gas leases.
- C. Land dedicated to cemetery purposes under the Health and Safety Code.

- D. Lot line adjustments between four or fewer existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where no new parcels are created, and no existing parcels are deleted, provided that subject to the provisions of Map Act Section 66412(d), the lot line adjustment is approved pursuant to Chapter 7.45 (Lot Line Adjustments) of this Title.
- E. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.
- F. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
- G. The conversion of a community apartment project (Government Code Section 66412(g)).
- H. The conversion of a stock cooperative (Government Code Section 66412(h)).
- I. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other City ordinances regulating design and improvement.
- J. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- K. The financing or leasing of dwelling units pursuant to Section 65852.1 or accessory dwelling units pursuant to Section 65852.2 of the Government Code; however, this Title shall apply to the sale or transfer, but not the leasing, of those units.
- L. Leasing of agricultural land for agricultural purposes, meaning the cultivation of food or fiber, or the grazing or pasturing of livestock.
- M. Subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet.
- N. The leasing or licensing of a portion of a parcel or the granting of an easement, use permit, or similar right for the purpose of financing, erection, sale, or lease of:
  - 1. Wind-powered electrical generation facilities (Government Code Section 66412(i));
  - 2. Cellular radio transmission facilities (Government Code Section 66412(j));
  - 3. Solar electrical generation facilities (Government Code Section 66412(l)); or
  - 4. Certain agricultural waste projects (Government Code Section 66412(m)).
- O. Conveyance of land to or from a government agency, public entity, or public utility, or land conveyed to a subsidiary or a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases based on substantial evidence that public policy necessitates a parcel map.

### 7.01.060 Consistency with the General Plan

No division, consolidation, and/or reconfiguration of land within the city pursuant to this Title is to be approved for processing under this Title unless it is consistent with the General Plan. In the event of any conflict between this Title and the General Plan, the General Plan shall prevail. In the event this Title



becomes inconsistent with the General Plan by reason of an amendment thereto or an element thereof, this Title shall be amended within a reasonable time so that it is consistent with the General Plan as amended.

### **7.01.070 Conflicting Requirements**

The provisions of this Title shall not be deemed or construed to repeal, amend, modify, alter, or change any other City ordinance or provision of law not specifically repealed, amended, modified, altered, or changed herein. In the event the provisions of this Title conflict with any other City ordinance or provision of law, the more restrictive of any such provision shall apply, except as follows:

- A. **Specific Plans.** Where a specific plan has been adopted containing specific use, development, design, and/or improvement standards, the standards and provisions contained in this Title shall not apply to the degree that they are not consistent with the use, development, design, and/or improvement standards contained in the specific plan.
- B. **Development Agreements.** Where a development agreement has been adopted containing specific use, development, design, and/or improvement standards, the use, development, design, and improvement standards contained in this Title shall not apply to the degree that they are not consistent with the use, development, design, and/or improvement standards contained in the development agreement.

### **7.01.080 Status of Covenants and Agreements**

The provisions of this Title are not intended to abrogate any legally adopted easements, covenants, or other agreements which are more restrictive than the provisions of this Title.

### **7.01.090 Severability**

Should any section, chapter, paragraph, phrase, or any portion of this Title be declared unconstitutional or invalid or set aside by any court of competent authority, such action shall not affect other sections, chapters, paragraphs, phrases, or parts hereof as adopted or amended.

## CHAPTER 7.05 ADMINISTRATIVE RESPONSIBILITIES

### SECTIONS

7.05.010	Purpose .....	7-4
7.05.020	Responsibilities and Authorities.....	7-4
7.05.030	Fees and Deposits .....	7-4
7.05.040	Grading and Erosion Control.....	7-5

#### 7.05.010 Purpose

The purpose of this chapter is to establish and describe the respective administrative responsibilities of City officials and bodies (e.g., City Engineer, Community Development Director, Planning Commission, City Council) for purposes of this Title.

#### 7.05.020 Responsibilities and Authorities

The functions identified by this Title shall be carried out by the authorities as designated in Table 7.10.020-1 (Designated Authority for Approvals) or as specified in this Title.

**Table 7.05.020-1: Designated Authority for Approvals**

Approval Type (Chapter)	Type of Action	Designated Authority <sup>1</sup>			
		City Engineer	Community Development Director	Planning Commission	City Council
Tentative Map (7.20)	Discretionary		R	A	
Tentative Parcel Map (7.20)	Discretionary		A		
Vesting Tentative Map (7.25)	Discretionary		R	A	
Vesting Tentative Parcel (7.25)	Discretionary		R	A	
Common Interest Subdivision Conversions (7.30)	Discretionary		R	A	
Final Map (7.35)	Ministerial	R			A
Parcel Map (7.35)	Ministerial	R			A
Parcel Map Waiver (7.35)	Discretionary		A		
Certificate of Compliance (7.40)	Ministerial	A			
Lot Line Adjustment (7.45)	Ministerial	A			
Lot Merger (7.50)	Discretionary	A			
Reversion to Acreage (7.55)	Discretionary	R			A

<sup>1</sup> A = Approving Authority; R = Recommending Authority

#### 7.05.030 Fees and Deposits

All applicants submitting applications required by this Title shall pay all applicable fees and/or deposits as adopted by City Council ordinance or resolution.

### **7.05.040 Grading and Erosion Control**

All division, consolidation, and/or reconfigurations of land pursuant to this Title shall conform to those grading and erosion control standards set forth Chapter 8.26 (Grading Ordinance).

## CHAPTER 7.10 RULES OF INTERPRETATION

### SECTIONS

7.10.010	Purpose .....	7-6
7.10.020	Interpretation of Code Provisions.....	7-6
7.10.030	Rules of Interpretation.....	7-6

#### 7.10.010 Purpose

The purpose of this chapter is to specify the authority, procedures, and rules for clarification of ambiguity in the regulations of this Title in order to ensure the consistent interpretation and application of the Title.

#### 7.10.020 Interpretation of Code Provisions

- A. **Authority to Interpret.** Where uncertainty exists regarding the interpretation of any provision of this Title or its application to a specific site, the Community Development Director, in consultation with the City Engineer as appropriate, shall have the authority and responsibility to interpret such terms, provisions, and requirements, unless specifically stated otherwise.
- B. **Record of Interpretation.** Code interpretations shall be made in writing and shall state the facts upon which the Director relied to make the determination. The Department shall keep a record of interpretations made pursuant to this chapter on file for future reference.
- C. **Applicability of Interpretation.** Code interpretations shall be applied in all future cases, provided that any interpretation may be superseded by a later interpretation when the Director determines that the earlier interpretation was in error or is no longer applicable under the current circumstances.

#### 7.10.030 Rules of Interpretation

The following rules of interpretation shall be used in the application of the terms, provisions, and requirements of this Title.

- A. **Abbreviations.** The following phrases, personnel, and document titles are shortened as follows:
  1. Title 7 (Subdivisions) = Title = Subdivision Ordinance
  2. Map Act = California Subdivision Map Act
  3. County Recorder = County of Riverside Recorder
  4. Director = Community Development Director
  5. Engineer = City Engineer
  6. Fire Department = Fire Marshal
- B. **Terminology.** The following rules apply to all provisions in this Title:
  1. *Language.* The words “shall,” “will,” “is to,” and “are to” and similar words and phrases are always mandatory. “Should” is not mandatory but is strongly recommended, and “may” is permissive.

2. **Tense and number.** The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural, and plural numbers include the singular, unless the natural construction of the word indicates otherwise.
  3. **Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."
- C. **Number of Days.** Whenever a number of days is specified in this Title, or in any permit, approval, condition of approval, or notice issued or given as provided in this Title, the number of days shall be construed as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business.
- D. **Minimum Requirements.** All provisions of this Title are considered to be minimum requirements, unless specifically stated otherwise.



## CHAPTER 7.15 ENFORCEMENT

### SECTIONS

7.15.010	Purpose .....	7-8
7.15.020	Prohibition .....	7-8
7.15.030	Remedies.....	7-8

#### 7.15.010 Purpose

The purpose of this chapter is to identify prohibitions for the division or conveyance of land and to identify remedies where such prohibited actions have been made.

#### 7.15.020 Prohibition

- A. No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease, or financing thereon, or allow occupancy thereof, for which a final map or parcel map is required by the Map Act or this Title, until such a map, in full compliance with the provisions of the Map Act and this Title, and has been filed for record by the County Recorder.
- B. Conveyances of any part of a division of real property for which a final or parcel map is required by the Map Act or this Title shall not be made by parcel or block number, letter, or other designation, unless and until such map has been filed for record by the County Recorder.
- C. This section does not apply to any parcel or parcels of subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Title, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.
- D. Nothing contained in subsection A of this section shall be deemed to prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where such sale, lease, or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final map or parcel map, as required under the Map Act or this Title.

#### 7.15.030 Remedies

- A. Any deed of conveyance, sale, or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of the Map Act or this Title, is voidable at the sole option of the grantee, buyer, or person contracting to purchase, or any heirs, personal representative, or trustee in insolvency or bankruptcy thereof, within one year after the date of discovery of such violation in accordance with Government Code Section 66499.32(a).
- B. Any grantee, or successor in interest thereof, of real property which has been divided, or which has resulted from a division in violation of the provisions of the Map Act or this Title, may, within one year of the date of discovery of such violation, bring an action in the Superior Court of California, County of Riverside, to recover any damages suffered by reason of such division of property. The action may be brought against the person who so divided the property and against any successors in interest who

- so divided the property and against any successors in interest who have actual or constructive knowledge of such division of property in accordance with Government Code Section 66499.32(b).
- C. The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance, final map, or parcel map filed by the County Recorder, from and after the date of recording.
- D. The provisions of this section shall not limit or affect, in any way, the rights of a grantee or successor in interest under any other provision of law.
- E. This section does not bar any legal, equitable, or summary remedy to which the City or other public agency, or any person, firm, or corporation may otherwise be entitled, and the City or other public agency, or such person, firm, or corporation may file a suit in the Superior Court to restrain or enjoin any attempted or proposed subdivision or sale.
- F. The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided or which has resulted from a division in violation of the provisions of the Map Act or this Title if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny or approve such a permit shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.
- G. If the City issues a permit or grants approval for the development of any real property illegally subdivided under the provisions of subsection A of this section, the City may impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the City may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for recordation in accordance with the provisions of Chapter 7.40 (Certificates of Compliance), only those conditions stipulated in that certificate shall be applicable in accordance with Government Code Section 66499.34.

# ARTICLE 2: MAPS REQUIRED

Adopted  
Date  
Effective  
Date

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CHAPTER 7.20	TENTATIVE MAPS .....	7-11
CHAPTER 7.25	VESTING TENTATIVE MAPS .....	7-18
CHAPTER 7.30	COMMON INTEREST SUBDIVISION CONVERSIONS.	7-21
CHAPTER 7.35	FINAL MAPS AND PARCEL MAPS .....	7-29

## CHAPTER 7.20 TENTATIVE MAPS

### SECTIONS

7.20.010	Applicability.....	7-11
7.20.020	Tentative Map Form and Content.....	7-11
7.20.030	Compliance with the General Plan and the Development Code .....	7-12
7.20.040	Geotechnical, Geologic, and Soils Report .....	7-12
7.20.050	Flood Management.....	7-13
7.20.060	Determination of Application Completeness.....	7-13
7.20.070	Tentative Map Review and Distribution Procedures .....	7-13
7.20.080	Time Frames for Action on Tentative Maps.....	7-13
7.20.090	Findings of Approval for Tentative Maps.....	7-14
7.20.100	Tentative Map Procedures.....	7-15
7.20.110	Appeals.....	7-15
7.20.120	Expiration of a Tentative Map.....	7-15
7.20.130	Extensions of Time for Tentative Maps .....	7-15
7.20.140	Modifications of Tentative Maps .....	7-16
7.20.150	Effect of Annexation on Maps.....	7-17

#### 7.20.010 Applicability

The procedures set forth in this chapter shall be applicable to tentative maps and tentative parcel maps. The provisions of this chapter comply with the requirements of Government Code Section 66410 et seq.

#### 7.20.020 Tentative Map Form and Content

- A. Before any tentative map, or request for extension of time of a tentative map, is accepted for filing, the subdivider shall file a completed application form on a City application designated for the specific request, pay all applicable fees, and submit the required number of copies of the tentative map and all supporting materials and documents to the Community Development Director. The Director may, from time to time, amend the official application form and the map submittal requirements. Tentative maps shall be prepared in a size, form, and manner acceptable to the Director and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn on one sheet and shall contain all information required by the official application form.
- B. The Director may require other drawings, data, reports, or information deemed necessary to accomplish the purposes of the Map Act, the California Environmental Quality Act (CEQA), and this Title.
- C. The applicant shall prepare a conceptual landscape master plan (CLMP) that delineates proposed landscape improvements to include parks, paseos, trails, open space, parkways, medians, common areas, and slopes. The CLMP shall be prepared at a scale suitable to show in detail all proposed improvements in conceptual form. Sections shall be included as needed to provide additional detail.

- D. Except as provided in Section 7.35.050(A), the subdivider shall indicate the intent to submit phased final maps at the time of application for the tentative map.
- E. The subdivider should indicate the intent to request a parcel map waiver at the time of application for tentative map.
- F. Vesting tentative maps shall conform to Chapter 7.25 (Vesting Tentative Maps) of this Title.

### 7.20.030 Compliance with the General Plan and the Development Code

All divisions of land pursuant to this Title shall conform to the City of Menifee General Plan and to the development standards set forth in the Development Code for the zone in which the property to be divided is located at the time the application for the tentative map is determined complete.

### 7.20.040 Geotechnical, Geologic, and Soils Report

- A. **Soils Report.** The subdivider shall provide a preliminary soils report, based upon adequate subsurface exploration, test borings, and laboratory tests, with application of the tentative map or parcel map. In the event the preliminary soils report indicates the presence of collapsible or expansive soils, liquefaction, or other soil problems, which if not corrected could result in structural defects, a geotechnical investigation of each lot or parcel in the subdivision shall be undertaken, and a report shall be submitted recommending corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problems exist. The subdivision or any portion thereof where such soils problems exist may be approved if it is determined that the recommended corrective action is likely to prevent structural damage to each structure to be constructed and that the issuance of any Building Permit shall be conditioned to include this recommended corrective action with the construction of each affected structure. The report may be waived if, in the exercise of his or her professional judgment, the City Engineer finds that sufficient knowledge exists as to the qualities of the soils within the proposed subdivision.
- B. Geologic and geotechnical reports shall be required, with application of the tentative map or parcel map, when a subdivision involves any of the following:
  - 1. The subdivision is within any zone requiring special study by the State Geologist or the City Engineer.
  - 2. The subdivision proposes to dispose surface water through the use of dry wells or other subsurface facilities.
  - 3. The site of the subdivision contains hillside areas where the existing gradient equals or exceeds 25 percent.
  - 4. The development of the subdivision requires excavation into bedrock.
- C. Geotechnical, geologic, and soils reports, as required herein, shall be prepared by an engineer or geologist based on guidelines determined by the City Engineer, as applicable, who is authorized or licensed to practice and prepare the reports by the State of California. Such reports shall be reviewed and approved by the City Engineer. If public improvement plans or grading plans are required as part



of the tentative map approval process, the review and approval of the geotechnical, geologic, or soils reports shall be required prior to approval of public improvement plans or grading plans. The City Engineer may waive these requirements for parcel maps at his or her discretion, in the exercise of his or her professional judgment. The City Engineer shall make a copy of all approved reports available to the public.

### **7.20.050 Flood Management**

Prior to approval of any tentative map or tentative parcel map, the subdivider shall demonstrate, to the satisfaction of the City Engineer, that the design of the subdivision is such that it conforms with Chapter 4.2 (Floodplain Management for Noncoastal Communities) of the Menifee Municipal Code. The City Engineer may require studies, mapping, easements, design, and construction as part of the final map or parcel map processing to ensure that this requirement is met. Unless otherwise permitted by this Title, no final map shall be recorded if additional studies, engineering design, acquisition of easements, or construction of flood control facilities is required for issuance of any Building Permit for the subdivision. The City Engineer shall make a copy of all approved studies available to the public. Such studies shall be prepared under the direction of a registered civil engineer.

### **7.20.060 Determination of Application Completeness**

The Community Development Director shall notify the applicant of its determination of completeness of the subdivision application in accordance with Government Code Section 65943. The applicant shall have the right to appeal a decision that an application is incomplete to the Planning Commission pursuant to Government Code Section 65943(c), through the appeal process set forth in Section 9.30.100 (Appeals).

### **7.20.070 Tentative Map Review and Distribution Procedures**

The review and distribution procedures for tentative map applications filed with the Community Development Director shall comply with the applicable common application processing procedures of Chapter 9.30 (Common Application Processing Procedures), except where modified as follows:

- A. **Distribution of Maps and Receipt of Comments.** Within five business days after an application has been determined to be complete, the Community Development Director shall send notice of this determination to affected school districts pursuant to Government Code Section 66455.7. The Director may, if applicable, distribute copies of the proposed tentative subdivision map to other affected, advisory, or requesting agencies.

### **7.20.080 Time Frames for Action on Tentative Maps**

- A. The approving authority shall hold a public hearing on the map, and upon making all findings required in Section 7.20.090 (Findings of Approval for Tentative Maps), shall approve or conditionally approve the tentative map. If such findings are not made, the approving authority shall deny the tentative map. The approving authority shall render a decision within 50 days of certification of an environmental impact report, adoption of a negative declaration, or a determination that the project is exempt from CEQA, in accordance with Government Code Sections 66452.1 and 66452.2:
- B. The time frames noted above may be extended as provided by prevailing statutory law or court decisions.

- C. In the event that action on a tentative map application is not taken in a timely manner and the application is deemed approved by operation of law, pursuant to Government Code Section 66452.4, the standard conditions of approval prepared by the City that are in effect at the time the application was deemed complete shall automatically be applied to the tentative map.

### **7.20.090 Findings of Approval for Tentative Maps**

Any tentative map shall be approved if all the following findings are made:

- A. The proposed subdivision and the design and improvements of the subdivision is consistent with the Development Code, General Plan, any applicable specific plan, and the Menifee Municipal Code.
- B. The tentative map does not propose to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965, or the land is subject to a Land Conservation Act contract but the resulting parcels following division of the land will be of an adequate size to sustain their agricultural use.
- C. The site is physically suitable for the type and proposed density of development proposed by the tentative map.
- D. The design of the subdivision and the proposed improvements, with conditions of approval, are either:
1. Not likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat; or
  2. Subject to an environmental impact report under which a finding has been made pursuant to Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the environmental impact report.
- E. The design of the subdivision and the type of improvements are not likely to cause serious public health problems.
- F. The design of the subdivision provides for future passive or natural heating or cooling opportunities in the subdivision to the extent feasible.
- G. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, or the design of the alternate easements which are substantially equivalent to those previously acquired by the public will be provided.
- H. The subdivision is consistent with the City's parkland dedication requirements (per the Quimby Act), as applicable, in accordance with Chapter 7.70 (Parkland Dedication and Fees).

### 7.20.100 Tentative Map Procedures

**A. Tentative Map.** For subdivisions resulting in five or more residential lots:

1. The designated approving authority as specified in Section 7.05.020 (Responsibility and Authorities) may approve or conditionally approve any tentative map if it can make the findings listed in Section 7.20.090 (Findings of Approval for Tentative Maps), and may place reasonable conditions on filing of multiple final or parcel maps. In making findings in support of the approval or disapproval, the approving authority shall apply all City standards in effect at the time the application was deemed complete; provided, however, that such other City standards which may be applicable under the provisions of Government Code Section 66474.2(b) and (c) shall also be applied.
2. The approving authority may deny a tentative map on any of the grounds set forth in the Map Act or this Title, and shall deny the tentative map if it cannot make all of the findings listed in Section 7.20.090.

**B. Tentative Parcel Map.** For subdivisions resulting in four or fewer residential lots and for commercial or industrial subdivisions as described in Government Code Section 66426:

1. The designated approving authority as specified in Section 7.05.020 (Responsibility and Authorities) may approve or conditionally approve any tentative map if he/she can make the findings listed in Section 7.20.090 (Findings of Approval for Tentative Maps), and may place reasonable conditions on filing of multiple final or parcel maps. In making findings in support of the approval or disapproval, the approving authority shall apply all City standards in effect at the time the application was deemed complete; provided, however, that such other City standards that may be applicable under the provisions of Government Code Section 66474.2(b) and (c) shall also be applied.
2. The approving authority may deny a tentative map on any of the grounds set forth in the Map Act or this Title, and shall deny the tentative map if he/she cannot make all of the findings listed in Section 7.20.090.

### 7.20.110 Appeals

A subdivider or any other interested party may appeal a decision of the Director or the Planning Commission by using the procedures set forth in Section 9.30.100 (Appeals).

### 7.20.120 Expiration of a Tentative Map

An approved or conditionally approved tentative map shall expire 36 months after its approval. The expiration of an approved or conditionally approved map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included on the tentative map shall be filed without first processing a new tentative map.

### 7.20.130 Extensions of Time for Tentative Maps

Notwithstanding Section 7.30.100 (Expiration of a Tentative Map), the initial 36-month term of approved or conditionally approved tentative maps may be extended as follows:

- A. **Request by the Subdivider.** Prior to the expiration of the tentative map, the subdivider may apply for an extension of time. The subdivider shall file with the Community Development Director a completed application form, pay all applicable fees, and submit the required number of copies of the tentative map and all supporting materials and documents required on the City's official application form, including, but not limited to, environmental analysis pursuant to CEQA.
- B. **Provided no changes are being requested by the subdivider, the Director may approve one or more extensions not to exceed a total of six years, and may impose additional conditions of approval on a future related action to maintain the public health, safety, and welfare and/or to comply with current City standards and ordinances, and State or federal requirements to the extent allowed by law.**
- C. **If, as part of the request for extension of the term of a tentative map, the subdivider requests changes or amendments to the tentative map or the conditions of approval for that map, the project shall be reviewed by the original approving authority and the City may require amendments to the tentative map or the conditions of approval including additional conditions of approval on a future related action to maintain the public health, safety, and welfare and/or to comply with current City standards and ordinances, and State or federal requirements to the extent allowed by law.**
- D. **If a subdivider is required to expend the amount specified in Government Code Section 66452.6 to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Government Code Section 66456.1 shall extend the expiration of the approved or conditionally tentative map by 36 months from the date of its expiration or the date of a previously filed final map, whichever is later. The extensions shall not extend the term of the tentative map more than 10 years from its date of original approval.**

#### **7.20.140 Modifications of Tentative Maps**

- A. **Tentative maps and/or their conditions of approval may be amended upon application by the subdivider or, with consent of the subdivider, by action initiated by the Community Development Director or the Public Works Director, pursuant to this section. The applicant shall file a letter with the Director requesting that a determination be made regarding the project. The City shall respond within 30 days with its decision.**
- B. **Minor modifications may be processed administratively without notice or public hearing, provided that the proposed changes are consistent with the intent of the original map approval, do not affect off-site properties, and there are no resulting violations of this Title or the Development Code. The following modifications are considered minor:**
  - 1. **Modifications to less than 10 percent of the total number of lots in the subdivision, provided there is no increase or decrease in the total number of lots within the subdivision.**
  - 2. **Modifications to the horizontal alignment of 10 feet or less, or vertical alignment of 5 feet or less, of any cul-de-sac or local or collector roadway when such modification does not affect off-site property, and design integrity of the roadways.**

3. Any other changes which in the opinion of the Director do not involve substantial changes to the map or the conditions of approval and which do not affect off-site properties.
- C. The approval or conditional approval of any modified tentative map shall not be construed as extending the time within which the final map shall be filed unless such time extension is specifically granted by the approving authority.
  - D. Any other amendment not meeting the criteria as listed in Subsection 7.20.140.B of an approved or conditionally-approved map shall be processed as a revised map, following procedures set forth in this chapter for tentative map approval.

### **7.20.150 Effect of Annexation on Maps**

When any area for which a subdivision or proposed subdivision subject to a tentative map or final map has been filed but a tentative map or final map has not been approved, or for which a parcel map is required by this Title but the final act required to make the parcel map effective has not been taken, is annexed to the city, the subdivider shall process all necessary applications and revise any portion of the map that is not in conformance with the City standards that were in effect as of the effective date of the annexation. The subdivider shall submit the required applications and/or make the necessary revisions within 36 months of the effective date of the annexation, prior to expiration of the tentative map, or prior to complete and timely filing of a final map, whichever occurs first. The City may require the subdivider to attend a pre-application meeting with the Community Development Director to determine the extent of any required modifications. Any tentative map that is not brought into conformance with the City's policies, rules, and regulations that were in effect as of the effective date of the annexation in accordance with the time frame specified above will be considered expired, and no final map shall be processed by the City.



## CHAPTER 7.25 VESTING TENTATIVE MAPS

### SECTIONS

7.25.010	Purpose .....	7-18
7.25.020	Applicability.....	7-18
7.25.030	Filing and Processing of Vesting Tentative Maps .....	7-18
7.25.040	Application Materials .....	7-18
7.25.050	Development Rights.....	7-19
7.25.060	Mandatory Findings for Approval .....	7-19
7.25.070	Expiration of a Vesting Tentative Map .....	7-20
7.25.080	Extensions of Time for Vesting Tentative Maps.....	7-20
7.25.090	Modifications to Vesting Tentative Maps .....	7-20

#### 7.25.010 Purpose

The purpose of this chapter is to establish procedures for the review, approval, and administration of vesting tentative maps. The provisions of this chapter comply with the requirements of Government Code Section 66410 et seq.

#### 7.25.020 Applicability

Whenever this Title requires the filing of a tentative map, a vesting tentative map may instead be filed in accordance with the provisions of this chapter. As used in this chapter, “vesting tentative maps” shall include vesting tentative maps for all subdivisions, without regard to the number or type of lots being created.

#### 7.25.030 Filing and Processing of Vesting Tentative Maps

A vesting tentative map shall be filed in the same form, shall have the same content and accompanying data and reports, and shall be processed in the same manner described for tentative maps in Chapter 7.20 (Tentative Maps), except as modified by this chapter. The designated approval authorities for vesting tentative maps and vesting tentative parcel maps shall be as specified in Section 7.05.020 (Responsibility and Authorities).

#### 7.25.040 Application Materials

At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map.” The application shall be submitted in accordance with Section 7.20.020 (Tentative Map Form and Content), accompanied by the following additional materials:

- A. Details on the height, size, and location of proposed buildings.
- B. Architectural elevations, schematic plans, and materials board for proposed building.
- C. Other application requirements as are deemed necessary by the City.

### 7.25.050 Development Rights

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
- B. The above notwithstanding, a permit, approval, extension, or entitlement may be made conditional or may be denied if either of the following are determined:
1. Failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  2. The condition(s) or denial is required in order to comply with state or federal law.
- C. The provisions of this section shall not:
1. Limit the City from imposing reasonable conditions on subsequently required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in subsection A of this section.
  2. Diminish or alter the City's power to impose conditions on a development to protect against a condition dangerous to the public health or safety.
- D. If a final map or a parcel map is approved prior to the expiration of the vesting tentative map and is subsequently recorded, the tentative map vesting rights for the final map area or parcel map area shall last for the periods listed below:
1. An initial time period of 2 years following recordation of the final map or parcel map. Where several final maps or parcel maps are recorded on phases of a project covered by a single vesting tentative map, the 2-year time period for each final map or parcel map shall begin on the date of recordation of that map.
  2. The initial time period set forth in the above paragraph shall be automatically extended by any time used by the City for processing a complete application for a Grading Permit or for design or architectural review, if such processing exceeds 30 days; provided, however, that such extension shall only be for the number of days in excess of 30 days, and provided further that such extensions shall not be cumulative.
  3. If, during the 2-year period following recording of a final map or parcel map, the City receives a complete application for a Building Permit and the subdivider has satisfied all requirements for the issuance of a Building Permit, the right to proceed with development in accordance with the vesting tentative map shall continue until the expiration of the Building Permit.

### 7.25.060 Mandatory Findings for Approval

The City shall approve a vesting tentative map only if the approving authority makes findings in accordance with Section 7.20.090 (Findings of Approval for Tentative Maps).

### **7.25.070 Expiration of a Vesting Tentative Map**

An approved or conditionally-approved vesting tentative map shall expire 36 months after its approval. The expiration of an approved or conditionally-approved vesting tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included on the vesting tentative map shall be filed without first processing a new map.

### **7.25.080 Extensions of Time for Vesting Tentative Maps**

Notwithstanding Section 7.25.070 (Expiration of a Vesting Tentative Map), the initial 36-month term of approved or conditionally-approved vesting tentative maps may be extended in the manner as tentative maps as outlined in Section 7.20.110 (Extensions of Time for Tentative Maps), except that the approval authority may deny an extension if it makes any of the following findings:

- A. The extension will place the residents of the subdivision and/or the immediate community in a condition dangerous to their health and/or safety.;
- B. The map fails to comply with State or federal law; or
- C. Any of the findings required by Section 7.20.090 (Findings of Approval for Tentative Maps) cannot be made.

### **7.25.090 Modifications to Vesting Tentative Maps**

At any time prior to the expiration of a vesting tentative map, the subdivider, his or her successor, or his or her assignee, may apply for a modification to such map. The approval authority shall hold a public hearing on any application involving a modification to the vesting tentative map or to the development related thereto, following procedures set forth for the modification of tentative maps in Section 7.20.120 (Modifications of Tentative Maps). Approval of a modification to a vesting tentative map or to the development related thereto shall not alter the expiration date of the vesting tentative map.

## CHAPTER 7.30 COMMON INTEREST SUBDIVISION CONVERSIONS

### SECTIONS

7.30.010	Applicability.....	7-21
7.30.020	Development Review Required .....	7-21
7.30.030	Application Requirements.....	7-21
7.30.040	Physical Standards for Condominium Conversions.....	7-23
7.30.050	Tenant Provisions.....	7-25
7.30.060	Notice to New Tenants .....	7-26
7.30.070	Findings .....	7-27

#### 7.30.010 Applicability

This chapter shall apply to all conversions of existing residential real property to condominiums, community apartments, or stock cooperative projects or any other form of ownership except conversion projects for which a final map or parcel map has been approved by the City Council prior to the effective date of the ordinance codified in this chapter, or where the conversion involved a limited equity housing cooperative as defined in Section 33007.5 of the Health and Safety Code. All provisions, conditions, and further definitions of condominium development as approved included in the California Civil Code, Government Code, Revenue and Taxation Code, and Business and Professions Code shall apply to the divisions of real property as permitted herein.

#### 7.30.020 Development Review Required

In addition to the limitations and restrictions contained in this chapter, the Map Act, and the applicable building and fire regulations, no residential apartment unit shall be converted for sale, transfer, or conveyance as a community apartment project, stock cooperative project, or condominium without concurrently obtaining approval of a Conditional Use Permit.

#### 7.30.030 Application Requirements

In addition to such other application requirements as are deemed necessary by the City, an application for conversion of a residential unit shall not be accepted or considered complete unless the application includes all of the following information in a form acceptable to the Community Development Director, except where such requirement is waived or modified by the Director:

- A. **Physical Elements Report.** A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities, sound transmission levels between units, mechanical equipment, parking facilities, and appliances.

Regarding each such element, the report shall state, to the best knowledge or estimate of the applicant, when such element was built, the condition of each element, the cost of replacing the element, and any variation or noncompliance of the element from the Development Code in effect at the time the application is filed with the City and from the Building Code in effect on the date that the

- last Building Permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.
- B. A report from a licensed structural pest control operator, approved by the City, on each structure and each unit within the structure.
  - C. A report on soil and geological conditions regarding soil deposits, rock formations, faults, groundwater, and landslides in the vicinity of the project and a statement regarding any known evidence of soil problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy submitted with the report.
  - D. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a level of appearance and safety consistent with applicable codes and ordinances, as specified in subdivision A of this section.
  - E. A declaration of covenants, conditions, and restrictions (CC&Rs) in draft or outline form which would be applied to any and all owners of condominium units within the project. The declaration shall include, but not be limited to, the conveyance of units; the assignment of parking; an agreement for common area maintenance, including facilities and landscaping, together with an estimate of any initial assessment fees anticipated for such maintenance; a description of a provision for maintenance of all utility lines and services for each unit; and a plan for equitable sharing of communal water metering.
  - F. Specific information concerning the demographic characteristics of the project, including but not limited to the following:
    - 1. Square footage and number of rooms in each unit.
    - 2. Rental rate history for each unit for previous 5 years.
    - 3. Monthly vacancy rate for each month during preceding 2 years.
    - 4. Makeup of existing tenants' households, including size, length of residence, age of tenants, and whether receiving federal or state rent subsidies.
    - 5. Proposed sale price of each unit.
    - 6. Proposed homeowners association fee.
    - 7. Financing available.
    - 8. Names and addresses of all tenants.

When the subdivider can demonstrate that such information is not available, this requirement may be modified by the Community Development Director.
  - G. Signed copies from each tenant of notice of intent to convert, as specified in Section 7.45.060 (Notice to New Tenants). The subdivider shall submit evidence that a letter of notification was sent to each tenant for whom a signed copy of the notice is not submitted. This requirement shall be deemed satisfied if such notices comply with legal requirements for service by mail.



- H. Any other information which, in the opinion of the Community Development Director, will assist in determining whether the proposed project will be consistent with the purposes of this chapter.
- I. **Submittal of Budget.** The subdivider shall provide the City with a copy of the proposed budget for maintenance and operation of common facilities, including needed reserves, with the tentative map application. The budget shall show estimated monthly costs to the owner of each unit, projected over a 5-year period, or such time as is required by the California Department of Real Estate. Such budget shall be prepared or reviewed and approved by a professional management firm experienced with management of condominium complexes. The management firm shall submit a statement of professional qualifications.
- J. **Copy to Buyers.** The developer shall provide each purchaser with a copy of all submittals (in their final acceptable form) required by subsections A through I of this section prior to such purchaser executing any purchase agreement or other contract to purchase a unit within the project, and the developer shall give the purchaser sufficient time to review the information. Copies of the submittals shall be made available at all times at the sales office, and a notice indicating that such reports are available shall be posted at various locations, as approved by the City, at the project site. Copies shall be provided to the homeowners association upon its formation.
- K. **Final Information Submitted.** Prior to entering into escrow on the first unit, the subdivider shall submit the following information to the Community Development Department:
1. Name, address, and phone number of homeowners association.
  2. Actual sales price of units.
  3. Actual homeowners association fee.
  4. Number of prior tenants who intend to purchase units.
  5. Number of units purchased with intent to be used as rentals.

The final form of the physical elements report and other documents shall be as approved by the City. The reports in their acceptable form shall remain on file with the Community Development Department for review by any interested persons until the conclusion of the conversion process. The report shall be referenced in the subdivision report to the Planning Commission.

### 7.30.040 Physical Standards for Condominium Conversions

- A. **Adequate Physical Condition.** To achieve the purpose of this chapter, the Planning Commission shall require that all condominium conversions conform to the Menifee Development Code in effect at the time of tentative map approval, except as otherwise provided in this chapter. In making the determination that the project is in conformance with the Development Code and other applicable provisions of the Municipal Code, the following will be required:
1. Prior to scheduling the tentative map for a public hearing, an inspection shall be conducted by the Code Enforcement Division and/or Community Development Department staff to determine project-wide conformance with Title 9 and other applicable provisions of the Municipal Code. A report of any violations shall be included in the staff report to the Planning Commission. The

- subdivider shall be responsible for the payment of any fees related to the inspection of the project.
2. Prior to the approval of the final map or parcel map, a physical inspection of the project site, including each individual unit, shall be made by the City Building & Safety Department and Community Development Department. Such inspection shall be made to ensure compliance with all applicable conditions of approval as specified in the tentative map and Conditional Use Permit approval. All such corrections shall be made prior to the approval of the final or parcel map. The subdivider shall be responsible for the payment of any fees related to the inspection of the project.
- B. Specific Physical Standards.** The Planning Commission shall require conformance with the standards of this subsection in approving the map.
- C. Building Regulations.** The project shall conform to the applicable standards of the Uniform Building Code, Uniform Plumbing Code, and Uniform Electrical Code in effect on the date that the last Building Permit was issued for the subject structure or structures except as herein provided.
- D. Health and Safety.** Each bathroom in each living unit shall be provided with ground fault circuit interrupters.
- E. Fire Prevention.**
1. **Smoke Detectors.** Each living unit shall be provided with approved detectors of products of combustion other than heat, conforming to the latest code standards as adopted by the City.
  2. **Maintenance of Fire Protection Systems.** All fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be properly installed and maintained in an operable condition at all times.
- F. Parking.** Each unit shall be provided parking in accordance with Chapter 9.215 (Parking and Loading Standards).
- G. Sound Transmission.**
1. **Shock Mounting of Mechanical Equipment.** All permanent mechanical equipment such as motors, compressors, pumps, and compactors which is determined by the City to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the Chief Building Official.
  2. **Noise Standards.** The structure shall conform to all interior and exterior sound transmission standards of the Uniform Building Code. In such cases where present standards cannot reasonably be met, the Planning Commission may require the applicant to notify potential buyers of the noise deficiency currently existing within these units.
- H. Utility Metering.** Each dwelling unit shall be separately metered for water, gas, and electricity, and each unit shall have a separate lateral connection to a trunk sanitary sewer. Alternatively, the subdivider shall develop a plan for equitable sharing of these utilities prior to final map or parcel map approval, which shall be included in the covenants, conditions, and restrictions.

- I. **Private Storage Space.** Each unit shall have at least 150 cubic feet of enclosed weatherproof and lockable private storage space in addition to guest, linen, pantry, and clothes closets customarily provided. Such space may be provided in any location approved by the Planning Commission but shall not be divided into two or more locations.
- J. **Laundry Facilities.** A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and one dryer of equivalent capacity for every five units with two or more bedrooms, and for every seven units with one bedroom.
- K. **Landscape Maintenance.** All landscaping shall be restored as necessary and maintained in accordance with approved landscape plans. If a significant amount of new landscaping is required, the subdivider shall prepare revised/new landscape plans for review and approval by the Community Development Department as part of the Conditional Use Permit application. Such plans shall be subject to all applicable City ordinances including but not limited to Chapter 9.195 (Landscaping Standards) of the Development Code.
- L. **Condition of Equipment and Appliance.** The developer shall provide a warranty to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air conditioners that are provided have a useful life of at least 1 year. At such time as the developer relinquishes control over management of the development, pursuant to the covenants, conditions, and restrictions, the developer shall provide a warranty to the association that any pool and pool equipment (filter, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association have a useful life of 1 year. Prior to final map or parcel map approval, the developer shall provide the City with a copy of warranty insurance covering equipment and appliances pursuant to this subsection.
- M. **Refurbishing and Restoration.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the Community Development Department shall be refurbished and restored as necessary to achieve a degree of appearance, quality, and safety consistent with applicable City standards. The developer shall provide to the homeowners association and/or purchaser a 1-year warranty on all physical improvements required under this subsection. If substantial restoration is required, the design plans shall be subject to Planning Commission approval.
- N. **Long-Term Reserves.** Prior to approval of the final map or parcel map, the developer shall provide satisfactory evidence to the City that a long-term reserve fund for replacement and repair has been established in the name of the homeowners association. Such fund shall equal at least two times the estimated monthly homeowners' assessment for each dwelling unit, or an amount otherwise required by law.

### 7.30.050 Tenant Provisions

- A. **Notice of Intent.** As provided in Government Code Section 66427.1(a)(2)(A), a notice of intent to convert shall be delivered by the subdivider to each tenant at least 60 days prior to submitting an application for the tentative map and Conditional Use Permit. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service

by mail. The form of the notice shall be in the form outlined in Government Code Section 66452.9 and approved by the Community Development Department and shall inform the tenants of all rights provided under this chapter and state law.

- B. **Notice of Public Report.** As provided in Government Code Section 66427.1(a)(2)(B), each tenant shall receive 10 days' written notice that an application for a public report will be or has been submitted to the California Department of Real Estate and that such report will be available on request from the Community Development Department. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
- C. **Notice of Subdivider's Report.** As provided in Government Code Section 66427(a)(2)(C), each tenant shall receive written notification that the subdivider has received the public report from the California Department of Real Estate. This notice shall be provided within five days after the date that the subdivider receives the public report from the Department of Real Estate.
- D. **Notice of Final Map Approval.** As provided in Government Code Section 66427.(a)(2)(D)(i), each tenant shall receive written notification within 10 days of approval of a final map for the proposed conversion. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
- E. **Notice of Intention to Convert.** As provided in Government Code Section 66427.1(a)(2)(E), each tenant shall receive 180 days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion, but not before the local authority has approved a tentative map for the conversion.
- F. **Tenant's Right to Purchase.** As provided in Government Code Section 66427.1(a)(2)(F)), any present tenant shall be given notice of an exclusive right to contract for the purchase of his or her respective unit and upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period not less than 90 days from the date of the issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted prior to approval of the final map. The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
- G. The developer shall provide suitable alternate housing to tenant households, at no additional cost to the tenant, whose unit undergoes substantial remodeling or rehabilitation during conversion, if the unit being remodeled or rehabilitated is not habitable. The final determination of habitability and suitability shall be made by the City Building & Safety Department.

### 7.30.060 Notice to New Tenants

After submitting the tentative map and development plan applications to the City, the developer shall notify any prospective tenants in writing of the intent to convert prior to leasing or renting any unit. The form of the notice shall be as follows:

To the prospective occupant(s) of \_\_\_\_\_ Address

The owner(s) of this building/project, at (address), has/have filed an application for a tentative map and Conditional Use Permit with the City of Menifee to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless and until the City approves the conversion and subsequently a public report is issued by the California Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which a notice is required pursuant to California Government Code Sections 66451.3 and 66452.5, and you have the right to appear and the right to be heard at such hearing.

\_\_\_\_\_  
(Signature of owner's agent)

\_\_\_\_\_  
(Dated)

I have received notice on \_\_\_\_\_ (date)

\_\_\_\_\_  
Prospective tenant or tenants signature(s)

### **7.30.070 Findings**

Prior to approval of the tentative map and conditional use permit, the Planning Commission shall hold a public hearing. Notice of the hearing shall be given in accordance with Government Code Section 65090 and Menifee Development Code Section 9.35.080 (Public Hearing and Notice). A copy of any staff report shall be served by the developer on each tenant of the subject property at least 3 days prior to the hearing, either by personal service or by posting the report on the front door of the unit and mailing it to the tenant. The Planning Commission shall not approve a tentative map for conversion of apartment units unless the Planning Commission finds that:

- A. All provisions of this chapter are met.
- B. The proposed conversion is consistent with the goals, objectives, policies, general land uses, and programs specified in the Menifee General Plan, including the Housing Element, and with any applicable specific plan.
- C. The proposed conversion will conform to the Menifee Municipal Code in effect at the time of tentative map and development plan approval, except as otherwise provided in this chapter.
- D. The overall design, physical condition, and amenities of the condominium conversion are consistent with those associated with condominium developments throughout the city and such elements achieve a high degree of appearance, quality, and safety.
- E. The proposed project will not convert, during the current calendar year, more than 5 percent of the potentially convertible rental units in Menifee for the current calendar year, except as otherwise provided in this chapter.
- F. There is no evidence in the public hearing record to indicate that vacancies in the project were intentionally increased for the purposes of preparing the project for conversion.



- G. There is no evidence in the public hearing record to indicate that tenants have been coerced to publicly support or approve the conversion, or to refrain from publicly opposing it, or to forgo any assistance to which they may be entitled.

## CHAPTER 7.35 FINAL MAPS AND PARCEL MAPS

### SECTIONS

7.35.010	General.....	7-29
7.35.020	Accompanying Data and Additional Information.....	7-29
7.35.030	Survey and Monuments Required .....	7-29
7.35.040	Submission and Review.....	7-30
7.35.050	Complete and Timely Filing.....	7-30
7.35.060	Final Map Approval .....	7-31
7.35.070	Limitation on Map Denial.....	7-32
7.35.080	Filing with the Office of the County Recorder.....	7-32
7.35.090	Waiver of Parcel Map.....	7-32
7.35.100	Certificate of Correction.....	7-33
7.35.110	Effect of Annexation on Maps.....	7-34

#### 7.35.010 General

The form, contents, accompanying data, and filing of the final map or parcel map shall conform to the provisions of the Map Act, this Title, and applicable standards imposed by the County of Riverside for maps filed with the Office of the County Recorder. The final map or parcel map and any accompanying data or additional information shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor authorized to practice in the state of California. The provisions of this chapter comply with the requirements of Government Code Section 66410 et seq.

#### 7.35.020 Accompanying Data and Additional Information

The filing of accompanying data and additional information shall be required with the filing of the final tract map or final parcel map, in accordance with Chapter 7.350.050 (Complete and Timely Filing).

#### 7.35.030 Survey and Monuments Required

- A. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor authorized to practice land surveying by the State of California, pursuant to the requirements of the City Engineer. All information required by City standards shall be incorporated into the survey.
- B. At the time of making the survey for the final map or parcel map, or within 2 years from the complete and timely filing of the final map or parcel map, whichever occurs first, the civil engineer or surveyor shall set sufficient durable monuments to conform with the standards of the Map Act and City standards.
- C. The City Engineer may waive the requirements in subsections A and B of this section for parcel maps at his or her discretion.

### **7.35.040 Submission and Review**

Final map and parcel map submittal and review procedures shall be pursuant to this chapter and applicable City standards. The City Engineer shall review all final map and parcel map submittals for conformance with the provisions of this Title and may deem them incomplete and return all or portions of a submission for reasons including but not limited to the following: incomplete submission or filing; untimely submission or filing; nonconformance with the tentative map; nonconformance with the conditions of approval applied to the tentative map; nonconformance with this Title; nonconformance with City standards; or errors or omissions on the final map or parcel map, on any accompanying data, or on any additional information.

### **7.35.050 Complete and Timely Filing**

- A. Prior to the expiration of an approved or conditionally-approved tentative map, the subdivider may file with the City a final map of the land to be subdivided. The subdivider may file multiple or phased final maps with the City provided that either of the following has occurred:
1. The subdivider, upon submittal of the tentative map, informed the City of his or her intent to file multiple or phased final maps; or
  2. After filing of the tentative map, the City Engineer concurs in writing to a written request from the subdivider to allow the filing of multiple or phased final maps.

Nothing in this section shall limit the authority of the City to impose reasonable conditions related to access, dedications, improvements, or fees on each final map so submitted.

- B. The City Engineer shall determine that a complete and timely final map filing has been made if he or she determines that, at a minimum, the following items have been received, prior to the expiration of the tentative map:
1. Improvement plans.
  2. Complete and accepted public improvements or acceptable subdivision improvement agreement(s) and securities.
  3. Proof of payment of all applicable fees.
  4. Will-serve letters from all applicable utilities and agencies.
  5. Noninterference letters from all applicable easement or title interest holders.
  6. Original and copies of all sheets of the final map in their required form and content.
  7. Proof of ownership of all affected properties. Title reports not older than 30 days from the scheduled filing for recordation of the final map shall be provided to confirm ownership, easements and other information that may affect the recordation of the final map.
  8. Subdivision guarantee from a title company, less than 60 days old.
  9. Letter from all affected property owners requesting approval of the final map.
  10. Small-scale map of the proposed subdivision.

11. Written clearance from all affected City departments.
  12. Written clearance from all affected public agencies.
  13. All applicable agreements or documents to be approved by the City Council or filed or recorded concurrently with the map, including CC&Rs.
  14. Proof that all additional requirements of Chapter 7.20 (Tentative Maps) and Chapter 7.25 (Vesting Tentative Maps) have been satisfied.
  15. The City's parkland dedication requirements of Chapter 7.70 (Parkland Dedication and Fees) have been satisfied.
- C. Upon finding all statements and submissions complete and satisfactory in accordance with this section, the City Engineer shall sign the appropriate statements, in accordance with Government Code Section 66442(a)(1) through (4), after which the subdivider shall request the final map be placed on the next available regular agenda for City Council action. The original map, and any other items requiring City Council approval, shall be transmitted to the City Clerk, with a recommendation of map approval.

### 7.35.060 Final Map Approval

- A. The date the final map or parcel map is deemed filed with the City Council shall be the date of the next regularly scheduled meeting of the City Council following the date on which the City Clerk receives the recommendation for map approval from the City Engineer. The City Council shall consider approval of the subdivision improvement agreement and improvement security and any other required agreements in conjunction with the approval of the map. If any of the items requiring City Council approval are deemed unacceptable by the Council, the City Council shall instruct the City Engineer to secure corrections, according to their direction.
- B. The City Council shall approve or disapprove the subdivision improvement agreement, improvement security, and final map or parcel map at the meeting at which it receives the map or at the next regular meeting following the meeting at which it received the map. If the City Council does not approve or disapprove the map within this time period, or any authorized extension thereof, and the map conforms to all requirements and rulings, it shall be deemed approved. The City Clerk shall certify or state its approval thereon.
- C. The City Council shall not postpone or refuse approval of a final map or parcel map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the City has sufficient title or interest to permit the improvements to be made. However, in such case, prior to final map or parcel map approval, the subdivider shall be required to enter into an agreement with the City to complete such improvements pursuant to Government Code Section 66462 upon acquisition of such title and interest by the City. Upon entering into such agreement, the City shall acquire the subject property interest in accordance with the provisions of Government Code Section 66462.5. Failure of the subdivider to execute such an agreement shall be cause by the City Council to refuse approval of the final map or parcel map.

### 7.35.070 Limitation on Map Denial

The City Council shall not deny approval of a final map or parcel map if the City has previously approved a tentative map for the proposed subdivision and if the City Council finds that the final map or parcel map is in compliance with the requirements of the Map Act, this Title, and the approved tentative map.

### 7.35.080 Filing with the Office of the County Recorder

- A. Upon City Council approval of the final map or parcel map and subdivision improvement agreement, the City Clerk shall execute the appropriate statement on the statement sheet and shall, subject to the provisions of Government Code Section 66464, transmit the map, or cause the City Engineer to transmit the map, to the County of Riverside Recorder's Office for filing. The final map or parcel map and any separate documents (if required) shall be filed concurrently.
- B. If, for any cause of the subdivider, the final map or parcel map is not recorded by the Riverside County Recorder's Office within 180 days from the date the City Council approved the final or parcel map, then the City Council's approval of the final map or parcel map shall be automatically rescinded, and all bonds or sureties will be returned to the subdivider. If the tentative map has expired, the unit of land previously affected by the final map or parcel map will automatically revert to its pre-map configuration. If the tentative map has not yet expired, the tentative map will be considered in effect, except that such action shall not alter the expiration date of the tentative map.

### 7.35.090 Waiver of Parcel Map

- A. **Applicability.** The Community Development Director is authorized to waive parcel maps without City Council approval for:
  1. Subdivisions resulting in four or fewer residential lots;
  2. Commercial or industrial subdivisions as described in Government Code Section 66426 that comply with the requirements of this section.
- B. **Written Request for Waiver.** A written request for such a waiver should be submitted to the Community Development Director at the time of tentative map application.
- C. **Findings for Approval.** No waiver to the requirement for processing a parcel map shall be approved unless the Community Development Director finds that all of the following findings are made:
  1. No dedications, easements, restrictions, or fee title is being granted to the City or any other public agency as a function of the parcel map.
  2. No public improvements are required as part of the subdivision.
  3. No agreements involving the City, CC&Rs, or maintenance entities are required as part of the conditions of approval of the parcel map.
  4. All parcels created front on existing maintained public roads improved in accordance with current City standards;



5. All parcels created are serviced by sanitary sewer facilities in accordance with current City standards;
  6. Adequate water supply is available to all parcels;
  7. The proposed land division will not have an adverse impact on existing drainage facilities;
  8. No mitigation measures are required as part of the conditions of approval of the parcel map.
  9. It has been determined to the satisfaction of the City Engineer that sufficient monumentation of the parcels exists so as not to justify an additional land survey.
- D. Conditions of Approval.** A parcel map waiver may be conditioned to provide for payment of applicable fees by the subdivider.
- E. Timeframe for Action.** The parcel map waiver request shall be approved, conditionally approved, or denied within the time frames established by Government Code Section 66451.7.
- F. Filing with the Recorder and Distribution of Copies.** Upon approval of a parcel map waiver pursuant to this section, the Community Development Director shall:
1. File with the Office of the County Recorder a certificate of compliance, or conditional certificate of compliance, for the land to be divided and a plat map, showing the division. The certificate shall include a certificate by the County Tax Collector in accordance with Article 8 of Chapter 4 of the Subdivision Map Act.
  2. Distribute copies of the certificate of compliance and waiver of the parcel map to the Building & Safety Department.
- G. Appeals.** Actions by the Community Development Director approving or denying parcel map waivers may be appealed to the Planning Commission under the provisions of Section 9.30.100 Appeals).

### 7.35.100 Certificate of Correction

- A.** After a final map or parcel map is filed in the Office of the County Recorder, it may be amended by a certificate of correction for any of the following purposes:
1. To correct an error in any course or distance shown on the map.
  2. To show any course or distance that was omitted from the map.
  3. To correct an error in the description of the real property shown on the map.
  4. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.
  5. To show the proper location or character of any monument that has been changed in location or character, or originally was shown at the wrong location or incorrectly as to its character.
  6. To correct any other type of map error or omission as approved by the City Engineer that does not affect any property right. Errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps. Error does not

include changes in courses or distances from which an error is not ascertainable from the data shown on the final map or parcel map.

- B. **Form and Content of Correction.** The certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. The form and contents of the amending map shall conform to the requirements of Chapters 7.20 (Tentative Maps) and 7.35 (Final Maps and Parcel Maps). The certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction.
- C. **Submittal and Approval.** The certificate of correction, complete as to final form, shall be submitted to the City Engineer for review and approval. The City Engineer shall examine the certificate of correction and if the only changes made are those set forth in Subsection 7.35.090.B, this fact shall be certified by the City Engineer on the certificate of correction.
- D. **Filing with the County Recorder.** The certificate of correction certified by the City Engineer shall be filed or recorded in the Office of the County Recorder.

### **7.35.110 Effect of Annexation on Maps**

When any area for which the Riverside County Board of Supervisors has approved a final map is annexed to the City of Menifee, the final map and agreements relating to the subdivision shall continue to govern the subdivision.

# ARTICLE 3: CERTIFICATES, ADJUSTMENTS, AND MERGERS

Adopted

Date

Effective

Date

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CHAPTER 7.40	CERTIFICATES OF COMPLIANCE .....	7-36
CHAPTER 7.45	LOT LINE ADJUSTMENTS .....	7-38
CHAPTER 7.50	LOT MERGER .....	7-40
CHAPTER 7.55	REVERSION TO ACREAGE .....	7-44

## CHAPTER 7.40 CERTIFICATES OF COMPLIANCE

### SECTIONS

7.40.010	Purpose .....	7-36
7.40.020	Applicability.....	7-36
7.40.030	Application and Required Fees .....	7-36
7.40.040	Approving Authority.....	7-36
7.40.050	Criteria for Issuance .....	7-36
7.40.060	Filing of Certificate of Compliance .....	7-37

#### 7.40.010 Purpose

Certificates of compliance provide a means for conferring legal status to parcels of land that were not created by legal means or for confirming the legal status of parcels of land that were created by legal means. The provisions of this chapter comply with the requirements of Government Code Section 66499.35.

#### 7.40.020 Applicability

This chapter applies to parcels of land for which there is no final map, parcel map, official map, or approved certificate of exception that would otherwise establish legal status for the parcels.

#### 7.40.030 Application and Required Fees

Requests for certificates of compliance shall be submitted to the Engineering Department on an approved City application form and shall be accompanied by all the required application materials and applicable fees.

#### 7.40.040 Approving Authority

The designated approval authority as specified in Section 7.05.020 (Responsibility and Authorities) shall review the application and shall issue a certificate of compliance or a conditional certificate of compliance or deny issuance of a certificate of compliance or a conditional certificate of compliance.

#### 7.40.050 Criteria for Issuance

In making a determination of issuance, the approval authority shall use the following criteria:

- A. A certificate of compliance shall be issued for any parcel created prior to March 4, 1972, that meets the following criteria:
  - 1. The parcel resulted from a division of the land in which fewer than five parcels were created; and
  - 2. No record of survey has been processed and recorded for the parcel; and
  - 3. At the time of creation of parcels, there was no local ordinance regulating the division of land.
- B. A certificate of compliance shall be issued for any real property that has been approved for development pursuant to Government Code Section 66499.34.

- C. A certificate of compliance or a conditional certificate of compliance shall be issued for any parcel which does not, or at the time of creation did not, comply with the provision of state or local ordinances regulating the division of land. A conditional certificate of compliance may include the following conditions:
1. If the subdivider was not the owner of record at the time of the initial land division, the conditional certificate of compliance may impose conditions which would have been applicable to a division of land on the date the subdivider acquired the property.
  2. If the subdivider was the owner of record at the time of the initial land division and currently owns one or more of the parcels involved in the land division, the conditional certificate of compliance may impose conditions which would be applicable to a current division of land.
- D. A certificate of compliance may be issued for divisions of real property or interests therein created by probate, partition, or other civil judgments or decrees, when the division is not otherwise required to comply with other provisions of this Title.

#### **7.40.060 Filing of Certificate of Compliance**

The City shall file the completed certificate of compliance or conditional certificate of compliance with the Riverside County Recorder's Office.



## CHAPTER 7.45 LOT LINE ADJUSTMENTS

### SECTIONS

7.45.010	Purpose .....	7-38
7.45.020	Applicability.....	7-38
7.45.030	Application and Required Fees .....	7-38
7.45.040	Approving Authority.....	7-38
7.45.050	Processing Procedures .....	7-38
7.45.060	Findings for Approval .....	7-39
7.45.070	Prohibited Conditions .....	7-39

#### 7.45.010 Purpose

This chapter establishes procedures for adjusting the boundary lines between parcels when no new parcels are created. The provisions of this chapter comply with the requirements of Government Code Section 66412(d).

#### 7.45.020 Applicability

Lot line adjustments may be used to reconfigure the sizes and/or shapes of between two and four adjoining lots, inclusive.

#### 7.45.030 Application and Required Fees

Requests for lot line adjustments shall be submitted to the Engineering Department on an approved City application form and shall be accompanied by all the required application materials and applicable fees.

#### 7.45.040 Approving Authority

The designated approval authority as specified in Section 7.05.020 (Responsibility and Authorities) is authorized to approve or deny applications for a Lot Line Adjustment.

#### 7.45.050 Processing Procedures

- A. Once a verified complete application, and fees have been accepted for processing, the City Engineer shall distribute the lot line adjustment application for review and comment to the Public Works Engineering Department, Community Development Department, and other appropriate departments or agencies.
- B. Within 30 days of acceptance of a complete application and payment of applicable fees, the City Engineer shall either approve, approve with conditions, or deny the lot line adjustment.
- C. If the lot line adjustment will result in the location, relocation, establishment, reestablishment, or retracement of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey, a new record of survey shall be required, in accordance with Business and Professions Code Section 8762. The processing of the record of survey shall be subject to applicable separate fees and can be processed concurrently with the lot line adjustment application.

- D. The applicant shall provide the City with new grant deeds reflecting the approved lot line adjustment. The City shall review and approve the new grant deeds and, shall record the deeds immediately upon approval of the lot line adjustment but no later than six months from the date of approval. The City shall provide copies to the applicant.

#### **7.45.060 Findings for Approval**

Prior to approving an application for a Lot Line Adjustment, the approving authority shall make all the following findings:

- A. All original lots involved were legally created or are conforming lots.
- B. The adjustment does not create a greater number of parcels than originally existed.
- C. The resulting lot(s) conform with the City's General Plan, Development Code, and adopted building codes.
- D. The adjustment does not cause existing uses of the property to be out of compliance with any provisions of the Municipal Code.

#### **7.45.070 Prohibited Conditions**

- A. A record of survey shall not be required for a lot line adjustment unless required by Section 8762 of the California Business and Professions Code.
- B. No tentative map, parcel map, or final tract map shall be required as a condition to the approval of a lot line adjustment.

## CHAPTER 7.50 LOT MERGER

### SECTIONS

7.50.010	Purpose .....	7-40
7.50.020	Applicability.....	7-40
7.50.030	Approving Authority.....	7-40
7.50.040	Processing Procedures .....	7-40
7.50.050	Merger Requirements.....	7-40
7.50.060	City-Initiated Merger.....	7-41
7.50.070	Effective Date of Merger.....	7-43
7.50.080	Unmerged Parcels .....	7-43

#### 7.50.010 Purpose

The purpose of this chapter is to provide procedures by which the City may require or provide for the merger of contiguous parcels under common ownership. The provisions of this chapter comply with Government Code Section 66451.11 and with the provisions of Government Code Sections 66451.10 through 66451.21 inclusive, which provides the City with authority for the merger of contiguous parcels.

#### 7.50.020 Applicability

The City Engineer may initiate the merger of up to four contiguous parcels meeting the requirements of Section 7.50.050 (Merger Requirements). The City Engineer, Community Development Director, Planning Commission, or City Council may require the owner of any contiguous parcel to merge any or all contiguous parcels in conjunction with the approval of any entitlement required by Title 9 (Development Code) of the Menifee Municipal Code.

#### 7.50.030 Approving Authority

The designated approval authority as specified in Section 7.05.020 (Responsibility and Authorities) is authorized to approve or deny applications for a Lot Merger.

#### 7.50.040 Processing Procedures

Once a verified complete application, and fees have been accepted for processing, the City Engineer shall distribute the lot merger application for review and comment to the Public Works Engineering Department, Community Development Department, and other appropriate departments or agencies.

#### 7.50.050 Merger Requirements

The merger of a parcel with a contiguous parcel(s) may only occur if all the following requirements are satisfied:

- A. Any contiguous parcels are held by the same owner or owners.
- B. That at least one of the affected parcels is undeveloped and does not contain a structure for which a Building Permit was issued or contains a structure for which a Building Permit was not required at the

time of construction or is developed only with an accessory structure or other structure which is sited or partially sited on a contiguous parcel.

- C. That one or more of the following conditions applies to any affected parcel:
1. At least one of the parcels involved comprises less than 5,000 square feet in area at the time of the determination of merger.
  2. The parcel was not legally created in compliance with all applicable laws and ordinances in effect at the time of its establishment.
  3. The parcel does not meet slope stability standards.
  4. The parcel does not meet current standards for sewage disposal and domestic water supply.
  5. The parcel has no legal access which is adequate for motor vehicles or safety equipment.
  6. The development of the parcel would create health and safety hazards.
  7. The parcel is inconsistent with the City's General Plan, any approved specific plan, or the provisions of the City's Development Code.
  8. A lot line passes through a structure within a development project that has been approved pursuant to the Development Code.
- D. That the parcels when merged will not:
1. Be inconsistent with or create a conflict with the City Development Code or General Plan or any approved specific plan;
  2. Create a conflict with the location of any existing structures;
  3. Deprive a parcel of access or restrict access to a parcel; or
  4. Create new lot lines.

### 7.50.060 City-Initiated Merger

- A. Prior to merging any contiguous parcels, the City Engineer shall, by certified mail to the record property owner(s) at the address shown on the latest available assessment roll of the County of Riverside, mail a notice of intent to merge which notifies the owner(s) that the affected parcels may be merged pursuant to the provisions of this section. The notice shall include the statement that the owner(s) will be given the opportunity to request a hearing and to present evidence that the proposed contiguous parcel merger does not meet the criteria for a merger. For the purpose of this Title, a property owner is any person holding any portion of the title for any involved property.
- B. The notice of intent to merge shall be recorded with the Riverside County Recorder on the date that the notice is given to all property owner(s) of record.
- C. Within 30 days of the recordation of the notice of intent to merge, the owner(s) of the affected property must file a request for a hearing regarding the proposed merger with the planning department.

1. If the owner of the affected property does not file a request for a hearing within the 30-day time period specified above, the City Engineer shall, within 90 days of the recordation of the notice of intent to merge, determine whether or not to merge the contiguous parcels. To merge contiguous parcels, the City Engineer shall make the following findings:
    - a. The merged parcel complies with the appropriate provisions of the Map Act and all applicable City requirements for the merging of contiguous parcels.
    - b. The merged parcel does not adversely affect the purpose and intent of the City's General Plan or the public health, safety, and welfare.
  2. If the owner of the affected property requests a hearing on the merger, the Planning Commission shall, after a hearing, make the determination whether the affected parcels are or are not to be merged.
- D. The City Clerk shall set a time, date, and location for the hearing upon receiving a request for a hearing from the property owner of the affected property or on the 31st day following the recordation of the notice of intent to merge. The hearing shall be conducted within 60 days following the receipt of the owner's request but may be continued by the mutual consent of the Planning Commission and the property owner. Notice of the hearing shall be given to the property owner(s) by certified mail.
- E. At the hearing, the property owner shall be given the opportunity to present evidence that the affected property does not meet the merger requirements set forth in Section 7.50.050 (Merger Requirements). At the conclusion of the hearing, the Planning Commission shall make a determination as to whether the affected parcels are to be merged. To merge contiguous parcels, the Planning Commission shall make the following findings:
1. The merged parcel complies with the appropriate provisions of the Map Act and all applicable City requirements for the merging of contiguous parcels.
  2. The merged parcel does not adversely affect the purpose and intent of the City's General Plan or the public health, safety, and welfare.
- F. If the Planning Commission determines that the subject parcels are to be merged, the Commission shall cause the notice of merger to be recorded set forth in Government Code Section 66451.12. If notification cannot be made at the time of the hearing to the parcel owner in person, notification shall be made by certified mail. The Commission shall notify the owner of its determination no later than 5 working days after the conclusion of the hearing.
- G. An appeal of the Planning Commission's determination to merge continuous parcels to the City Council shall be made in accordance with the appeal provisions contained in Section 9.30.100 (Appeals) of the Development Code
- H. If the Planning Commission determines that the parcels should not be merged, the Commission shall instruct the City Engineer to record a notice of release of the notification of intent to merge and mail a copy of the release to the property owner.



### **7.50.070 Effective Date of Merger**

The merger of any contiguous parcels shall become effective upon recordation of the notice of merger with the Riverside County Recorder. The notice of merger shall specify the date of the City Engineer's determination, or that of the Planning Commission or the City Council as may be the case, the names of the record owners, and a legal description of the properties as merged.

### **7.50.080 Unmerged Parcels**

A property owner may apply to the City for a determination that any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984 are deemed not to have been merged under Government Code Section 66451.30. If the City Engineer determines that the parcels meet the standards specified in Section 66451.30, the City shall issue to the owner, and record with the County Recorder, a notice of the status of the parcels and a declaration that the parcels are not merged.

## CHAPTER 7.55 REVERSION TO ACREAGE

### SECTIONS

7.55.010	Purpose .....	7-44
7.55.020	Initiation of Proceedings .....	7-44
7.55.030	Filing of Reversion to Acreage.....	7-44
7.55.040	Submittal of Petition to City Engineer.....	7-45
7.55.050	City Council Approval .....	7-45
7.55.060	Filing with the County Recorder .....	7-45

#### 7.55.010 Purpose

Any subdivided property may be reverted to acreage pursuant to the provisions of Government Code Section 66499.11 et seq. and this chapter.

#### 7.55.020 Initiation of Proceedings

- A. **By the Owners.** Proceedings to revert subdivided property to acreage may be initiated by petition (in a form prescribed by the City Engineer) of all the owners of record of the property.
- B. **By the City Council.** The City Council may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the City Engineer to obtain the necessary information to initiate and conduct the proceedings and to notify all property owners affected.

#### 7.55.030 Filing of Reversion to Acreage

- A. Requests for petition shall be filed with the Engineering Department on an approved City application form, and pay the necessary processing fee.
- B. The application shall contain, but not be limited to, the following:
  - 1. Evidence of title to the real property.
  - 2. Evidence of the consent of all of the owners of an interest in the property.
  - 3. Evidence that none of the improvements required to be made has been made within 2 years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later.
  - 4. Evidence that no lots shown on the final or parcel map have been sold within 5 years from the date such final or parcel map was filed for record.
  - 5. A final map or parcel map, in the form prescribed by Chapter 7.35 (Finals Maps and Parcel Maps) delineating dedications that will not be vacated, and dedications required as a condition to reversion. Final maps or parcel maps shall be conspicuously designated with the title, "The Purpose of This Map is a Reversion to Acreage."

### **7.55.040 Submittal of Petition to City Engineer**

The final map or parcel map for the reversion, together with all other data as required by this chapter, shall be submitted to the City Engineer for review. Upon finding that the petition meets all the requirements of the Map Act and this chapter, the City Engineer shall submit the final map or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the City Council for its consideration.

### **7.55.050 City Council Approval**

- A. The City Council shall hold a public hearing for all proposed reversions to acreage. Notice of the public hearing shall be given as provided in Section 9.30.080 (Public Hearing and Notice) of the Development Code.
- B. The City Council may approve a reversion to acreage only if it finds and records by resolution all of the following:
  1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes.
  2. Either:
    - a. All owners of an interest in the real property within the subdivision have consented to reversion; or
    - b. None of the improvements required to be made has been made within 2 years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
    - c. No lots shown on the final or parcel map or portion thereof have been sold within 5 years of the date such map was filed for record.
- C. The City Council may require as conditions of the reversion:
  1. That owners dedicate or offer to dedicate streets, public rights-of-way, or easements, including easements or fee interest for flood control facilities;
  2. That all or a portion of previously paid subdivision fees, deposits, or improvement securities be retained if the same are necessary to accomplish any of the purposes for provisions of this article; or
  3. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of this chapter or to protect the public health, safety, or welfare.

### **7.55.060 Filing with the County Recorder**

Upon approval of the reversion to acreage, the City Clerk shall transmit the final map or parcel map to the Riverside County Recorder for recordation. Reversion shall be effective upon the final map or parcel map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final map or parcel map for reversion shall be of no further force or effect.

# ARTICLE 4: DESIGN, DEDICATION, AND IMPROVEMENTS

Adopted  
Date  
Effective  
Date

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CHAPTER 7.60	DESIGN STANDARDS .....	7-47
CHAPTER 7.65	DEDICATIONS AND FEES .....	7-53
CHAPTER 7.70	PARKLAND DEDICATION AND FEES .....	7-54
CHAPTER 7.75	IMPROVEMENTS.....	7-59

## CHAPTER 7.60 DESIGN STANDARDS

### SECTIONS

7.60.010	Purpose .....	7-47
7.60.020	Applicability.....	7-47
7.60.030	Street and Lot Layout Requirements .....	7-47
7.60.040	Lots.....	7-50
7.60.050	Access to Lots.....	7-51
7.60.060	Energy Conservation .....	7-51
7.60.070	Environmental Constraints Sheet Required.....	7-52

#### 7.60.010 Purpose

The purpose of this chapter is to establish design standards for subdivisions in accordance with the allowances of the Subdivision Map Act.

#### 7.60.020 Applicability

The provisions of this chapter shall apply to all subdivisions of land, unless specifically stated otherwise in the Subdivision Map Act.

#### 7.60.030 Street and Lot Layout Requirements

- A. The widths, alignments, and geometric designs of streets and highways shall conform to City standards and to the following requirements, unless otherwise specified in State or federal standards and requirements:
1. All streets, as far as practicable, shall relate to the alignment of the existing adjacent streets or their proper projection in the general conformity with the City's General Plan.
  2. The proposed street plan shall give consideration to the future division of adjoining and undivided property.
  3. All streets shall be designed to serve the proposed use of the abutting land.
  4. On part-width boundary streets abutting undivided land, the subdivider shall provide the prescribed half-width street and shall acquire additional dedications as necessary. The required right-of-way shall be as follows:
    - a. When improvements are required, not less than 40 feet.
    - b. When improvements are not required, not less than 30 feet.
  5. Additional right-of-way or easements shall be provided where necessary to accommodate roadway slopes, drainage facilities, trails, transit facilities, and other facilities related to land division improvements.
- B. Street improvements fronting a proposed development shall extend a minimum of 12 feet past the centerline unless determined otherwise by the City Engineer.



C. Special Street Design.

1. Design of streets shall make provisions as necessary for railroads, parkways, grade separations, prevailing geological conditions, local drainage facilities, hillside property, water quality, pedestrian mobility, and equestrian trails.
  2. Cul-de-sacs.
    - a. The maximum cul-de-sac length in residential, commercial, or industrial subdivisions shall be 600 feet unless a longer cul-de-sac is approved by the Fire Department. A cul-de-sac shall be terminated by a turnaround not less than 50 feet in radius and shall be oriented so that all parts are easily visible from the cross street from which it extends.
    - b. Cul-de-sacs and knuckles shall be constructed in accordance with city standard plans and specifications. All lots fronting on a cul-de-sac, a knuckle, or a curved street shall be designed to meet City standards.
    - c. A cul-de-sac that does not meet the requirements of this section shall not be constructed, unless a waiver has been granted by the City Engineer and the Fire Department.
  3. Other than as provided in this section, no dead-end streets shall be allowed. A dead-end street shall not exceed 600 feet in length and shall only be permitted as an interim condition to facilitate phased construction of a final map based on an approved or conditionally-approved tentative map. The Fire Department shall review and comment on all requests for dead-end streets.
  4. The approving authority may require greater street widths and improvements on streets serving multifamily residential, commercial, or industrial divisions of land.
  5. Where a proposed subdivision abuts or contains an existing or proposed urban arterial or expressway, the approving authority may require frontage streets or reverse frontage with non-access easements along the urban arterial or expressway, or such other treatment as may be justified for the protection of residential properties from the nuisance and hazard of high-volume traffic and to preserve the function of the urban arterial or expressway.
  6. Developments adjacent to existing frontage streets shall provide full street improvements unless determined otherwise by the City Engineer. {Define which are frontage streets for the City of Menifee.}
- D. Private streets may be used for only those streets serving property within the subdivision and which access by the public is controlled by the subdivision design by either posting or gating. Private streets may be used with the approval and consent of the Planning Commission when the Commission finds that:
1. There is adequate provision for their construction and continued maintenance.
  2. The welfare of the occupants of the development will be adequately served.
  3. The public welfare will not be impaired.
- E. The grades of highways, streets, and alleys shall not be less than one percent and shall not exceed the grades established on City of Menifee Standard Plan No. 80. The desirable grades are between one

percent and 6 percent. Grades of less than one percent and greater than the maximum established by Standard Plan No. 80 may be approved only when conclusive evidence shows that a lesser or steeper grade respectively is impractical, and that no adverse effects such as excessive ponding will occur as a result. The high cost of excavating and/or importing borrow fill material, making the development of a particular parcel of ground uneconomical, shall not be considered as conclusive evidence nor valid justification for a departure from the established minimum or maximum grade.

F. Street Alignment.

1. Curves in streets classified as enhanced local streets and below shall have as large a centerline radius as practical, with a minimum length of curve of 150 feet. The desirable minimum centerline radius for residential streets is 500 feet. The minimum centerline radius for residential streets on comparatively level terrain shall be 300 feet and on steep hillside terrain shall be 150 feet.
2. The minimum centerline radius for other types of streets classifications shall be compatible with the street classification, anticipated usage, speed, and shall be designed in accordance with the California Department of Transportation Highway Design Manual.

G. Intersections.

1. All street intersections shall be within 5 degrees of the perpendicular as measured at the intersection of the centerlines, unless otherwise approved by the City Engineer.
2. Street-to-street centerline offsets shall be less than 5 feet or more than 200 feet, except in special design cases and as approved by the City Engineer.
3. A minimum curb return radius shall be provided in conformance with City standards.
4. The property line return radius shall be so set as to maintain a uniform parkway width or provide a uniform transition into the intersecting parkway. The property line radius shall be designed so as not to reduce the parkway width below the City standard.
5. Median openings or crossovers between opposing lanes of a divided highway or street shall be located only at approved intersections at intervals of not less than 500 feet.

H. Alleys.

1. Alleys shall be required in the rear of all lots used or intended to be used for business, commercial, or industrial uses, unless adequate off-street parking areas and service loading and unloading areas to serve such properties are securely reserved for such use and are shown upon the map and approved by the City in the manner set forth in this Title.
2. Alleys shall be required in the rear of all lots fronting directly on a street designated as a secondary roadway or greater unless determined through site plan review procedure that the requirement for alleys does not exist.
3. The minimum paved width for alleys shall be 25 feet, unless otherwise approved.
4. A minimum curb return radius of 15 feet shall be provided at the alley and intersecting street.

5. Where a dead-end alley is designed, an adequate turning area shall be provided to accommodate a truck having a 35-foot turning radius. The radius shall be such that the truck is able to turn around with only one backing movement. This turnaround shall be eliminated only under the circumstances of a previously adopted specific plan of record providing for the alley extension. All turning areas shall be reviewed and approved by the Fire Department.

#### 7.60.040 Lots

- A. All lots created in a division of land shall conform to the minimum requirements of the Development Code and the General Plan as adopted by the City for the particular zone district, use, and classification in which the development is being constructed.
- B. Lot Sizes.
  1. All lots shall meet the area, frontage, width, depth, and building setback requirements of the zone district within which the lots are located, unless otherwise permitted through the provisions of Title 9; provided, however, that in its consideration of any land division, the approving authority may determine that a greater than minimum lot size is necessary:
    - a. For the proper protection of the public health, safety, and general welfare;
    - b. To be consistent with the general pattern established in the vicinity;
    - c. To maintain the value of property in the vicinity; or
    - d. To provide sufficient pad area for buildings and usable open space.
  2. When lots or parcels twice the required area or width or more are shown on a division of land, the approving authority may require such lots or parcels to be so established as to make practical a further division into allowable building sites, without injury to adjoining property.
  3. Lot sizes and arrangement shall be compatible with lots in the surrounding area, subject to the preceding two provisions.
- C. Side Lot Lines.
  1. Sidelines of lots shall be at approximately right angles to the street lines, except where terrain or street design makes such lot lines impractical.
  2. Side and rear lot lines shall be located along the top of slopes instead of at the toe of slopes or at intermediate locations. Exceptions may be reviewed and approved by the City Engineer or the applicable approval authority, when not the City Engineer or Community Development Director.
- D. Lot Frontage.
  1. All lots shall have frontage upon a public or private street, which shall be open to and usable by vehicular traffic. The width of such streets shall be determined in accordance with this Title.
  2. Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or where required by unusual or excessive topographic

conditions. When double frontage lots are permitted, access rights shall be dedicated to the City along the street designated by the approving authority.

- E. Wherever practicable, subdivisions of property abutting rights-of-way for freeways, expressways, railroads, transmission lines, and flood control channels shall be so designed as to create lots that back up to the rights-of-way or are separated from the rights-of-way by a street or frontage street, as applicable.
- F. No lot shall be divided by a city, county, school district, or other taxing agency boundary line.
- G. Blocks.
  - 1. Blocks shall not be less than 250 feet in length.
  - 2. Blocks shall not be over 1,350 feet in length, except along major highways or where topographical conditions or previous highway or street layouts require a different length.

### 7.60.050 Access to Lots

- A. Any land division shall provide vehicular access to all homes within a land division for purposes of police and fire protection. The layout of the tract shall be such that blocks of thirty-five or more homes shall have access by two or more streets. Tract street layout showing only one street for vehicular ingress or egress to a large group of homes shall be cause for disapproval.
- B. Access for lots not fronting on a public street (flag lots). When a land division is proposed to create any lot(s) other than one(s) fronting directly on a public street or highway, access shall be provided of a width not less than as specified below as being the minimum width necessary to serve the maximum number of lots.
  - 1. Minimum Access Width per Potential Number of Lots. Minimum access widths shall be provided in accordance with Table 7.60.050-1.

Table 7.60.050-1: Minimum Access Widths

Maximum Number of Potential Lots	Minimum Access Width (feet)	Maximum Ultimate Access Length (feet)
One	24	150
Two to four	40	150

- 2. Access Surfacing. Prior to final inspection for occupancy of any building or structure relocated, erected, or constructed on any lot not fronting directly on a public street or highway, the full length of any required access shall be improved with concrete or asphaltic concrete surfacing, in accordance with City engineering standards and requirements, at a width of not less than 24 feet.

### 7.60.060 Energy Conservation

The design of a subdivision shall be in conformance with Government Code Section 66473.1, with respect to passive or natural heating or cooling opportunities in the subdivision, and with the requirements of California Code of Regulations of Title 24.

### **7.60.070 Environmental Constraints Sheet Required**

When an environmental constraint sheet is required, a note shall be placed below the surveyor's notes on the tract map in 0.25-inch-high bold block letters, stating:

**"ENVIRONMENTAL CONSTRAINT NOTE: Environmental constraint sheet affecting this map is on file in the Office of the Riverside County Surveyor in E.C.S. Book\_\_\_\_\_, Page\_\_\_\_\_. This affects Lot Nos.\_\_\_\_\_ or Parcel No.\_\_\_\_\_."**



## CHAPTER 7.65 DEDICATIONS AND FEES

### SECTIONS

7.65.010	Dedications Generally .....	7-53
7.65.020	Fees Generally .....	7-53

#### 7.65.010 Dedications Generally

- A. Right-of-way dedications, irrevocable offers of dedication, and grants of easements required upon a final or parcel map shall either be accepted, consented for recordation, accepted subject to improvement, or rejected at the time the final or parcel map is approved. Acceptance of the dedication or easement shall serve to transfer the appropriate interest to the City, subject to the terms of the offer and the acceptance certificate. Rejection of the dedication or easement shall reserve the City’s ability to accept all or part of the dedication or easement in accordance with state law. The City Engineer shall determine whether the dedication, irrevocable offer of dedication, or easement shall be accepted, accepted subject to improvement, or rejected pursuant to City standards. No utility easement or other rights-of-way shall be granted within proposed street dedications subsequent to the date of filing of a preliminary tentative map.
- B. Fee title shall be granted by the subdivider when in the opinion of the City Council in consultation with the City Engineer, it is necessary to carry out policies and requirements of the General Plan and any City ordinance, resolution, or standard.
- C. The types of dedications, easements, or grants of fee title that a subdivision may be subject to may include, but not be limited to, streets, alleys, access rights, drainage, public utility, landscape, slope, sewer, and parkland dedication or in lieu fees. Dedication of land or payment of fees in lieu of dedication of parkland shall be pursuant to the provisions contained in Chapter 7.70 (Parkland Dedication and Fees).

#### 7.65.020 Fees Generally

Development impact fees shall be paid as described in Section 7.75.010.B.

## CHAPTER 7.70 PARKLAND DEDICATION AND FEES

### SECTIONS

7.70.010	Purpose .....	7-54
7.70.020	Applicability.....	7-54
7.70.030	General Standard .....	7-54
7.70.040	General Dedication Requirements.....	7-54
7.70.050	Determination of Land or Fee .....	7-55
7.70.060	Formula for Dedication of Land .....	7-56
7.70.070	Criteria for Requiring Payment of In-Lieu Fees .....	7-57
7.70.080	Credit for Private Parks and Recreation Areas .....	7-57
7.70.090	Exemptions.....	7-58

#### 7.70.010 Purpose

This chapter establishes criteria for the dedication of land or payment of in-lieu fees for the development of new, or rehabilitation or enhancement of existing community parks or recreational facilities in accordance with Government Code Section 66477 and other applicable law.

#### 7.70.020 Applicability

As a condition of approval of a final map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for neighborhood and community park or recreational purposes in accordance with the standards herein, the General Plan, the Trails, Parks, Open Space & Recreation Master Plan, and the formulas contained in this section.

#### 7.70.030 General Standard

The City Council finds that the amount of existing neighborhood and community park areas exceeds 3 acres per 1,000 persons residing in the city, and that the public interest, convenience, health, welfare, and safety require that a minimum of 5 acres of property for each 1,000 persons residing in Menifee be devoted to neighborhood and community park recreational purposes.

#### 7.70.040 General Dedication Requirements

- A. Whenever a tentative map that is subject to the provisions of this section is submitted to the City, the developer shall consult with the Director of Community Services to determine whether parkland, in-lieu fees, or a combination of both shall be dedicated for parks and recreational purposes.
- B. The conditions of approval of a tentative map subject to the provisions of this section shall require the dedication of land, the payment of in-lieu fees, or a combination of both for parks and recreational purposes at the discretion of the City pursuant to Section 7.70.020 (Applicability). If the land is to be dedicated, conceptual plans for the park improvements shall be reviewed by the Director of Community Services, and the proposed dedication shall be identified on the tentative map as a separate numbered lot.

- C. The amount and location of the property to be dedicated and/or the amount of any fees to be paid shall be determined by the Director of Community Services pursuant to the provisions of this chapter.
- D. Whenever subsequent development occurs on property for which fees have already been paid or land dedicated, no additional fees or dedications shall be required except as to any additional lots or dwelling units that were not subject to a prior fee or dedication requirement.
- E. If parkland is to be dedicated, park improvement plans shall be reviewed and approved by the Director of Community Services and the City Engineer prior to final map approval. An agreement and securities shall be posted prior to approval of the final map to guarantee construction of the park to City standards.
- F. Upon completion of the park improvements to City standards and acceptance by the City Council, land to be dedicated shall be conveyed in fee to the City by grant deed and accepted by resolution, if not already indicated for dedication on the final map. Such parkland shall be free and clear of all encumbrances except those that the City accepts in writing. An environmental site assessment report shall be required for all park areas to determine that the land is free from toxic or hazardous materials. The subdivider shall provide all fees and instruments necessary to convey the land and shall include a preliminary title report and title insurance in favor of the City in an amount approved by the City.
- G. Unless otherwise specified through conditions or approval or other agreement, whenever fees are to be paid pursuant to this chapter, the fees shall be paid prior to recordation of the final map, or in the instance of maps consisting of four or fewer parcels, prior to issuance of Building Permits, as determined by the City. If the payment of fees is deferred to Building Permit, the City shall determine whether the fees shall be paid on a pro rata basis for each dwelling unit prior to the issuance of a building permit, or on a pro rata basis for certain percentages of the dwelling units prior to the issuance of Building Permits.
- H. Whenever land has been conveyed or fees paid to the City and a final map is never recorded or, if recorded, is reverted to acreage, the City shall, at its option, either reconvey all land dedicated to it, repay all fees paid pursuant to this chapter without interest, allow the developer a credit for any land dedicated or fees paid to be applied only to a new subdivision on the same property, or make other arrangements with the subdivider.

### 7.70.050 Determination of Land or Fee

In considering whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, the analysis shall consider the following:

- A. The minimum park size acceptable for dedication to the City as a provision of this section shall be 3 usable acres, unless approved by the Director of Community Services.

Usable acreage for parklands is defined as follows: Proposed parkland must have a maximum slope of 3 percent over 90 percent of the total area of the park. The remaining 10 percent may contain slopes greater than 3 percent if approved by the Director of Community Services. The proposed park must have a length to width ratio no greater than 2:1. A minimum of two sides of the park must abut public streets. Sewer, water, electricity, and storm drain connections must be available at the park. The Director of Community Services must approve any deviation from these standards.

- B. The natural features, access, and location of the proposed park site within the subdivision available for dedication that are compatible with the location of existing proposed park sites and trail ways and the compatibility of dedication with the City’s General Plan and the Trails, Parks, Open Space & Recreation Master Plan.
- C. For subdivisions containing 50 parcels or fewer, the City may allow the subdivider to only pay fees; provided, however, that when a condominium project, stock cooperative, or community apartment project exceeds 50 dwelling units, the dedication of land may be required even though the number of parcels may be fewer than 50. Nothing herein shall prevent the City from accepting the voluntary dedication of land by a subdivider for a subdivision containing fewer than 50 parcels if the dedication meets the other requirements of this section.
- D. Whenever the actual amount of land to be dedicated is less than the amount of land required to be dedicated, the subdivider shall pay fees for the value of any additional land that otherwise would have been required to be dedicated.
- E. Nothing in this section shall be interpreted to prohibit, or limit in any manner, the City from determining the location and configuration of land to be dedicated. The determination of the City Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

**7.70.060 Formula for Dedication of Land**

Where a park or recreation facility has been designated and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography that bears a reasonable relationship to serve the present and future needs of the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following formula:

Average number of persons per unit x 0.005 acre = acreage of parkland required per unit

Example for a single-family detached dwelling unit (DU): 3.12 x 0.005 = 0.0156 acres/DU

Parkland Dedication Formula*	
Type of Dwelling	Average Population per Unit
Single-family residential (detached garage)	3.12
Single-family residential (attached garage)	2.85
Multifamily attached (two to four units)	2.48
Multifamily attached (five or more units)	2.43
Mobilehomes	2.00
*Established pursuant to Government Code Section 66477(a)	

The subdivider, in addition to the dedicated land required by this section, may be conditioned to provide park improvements, as determined by the City. In return for park improvements, the developer shall receive fee credits against the overall park land dedication requirements of this section and/or the parks and recreation component of the City’s development impact fees equal to the cost of such improvements.

The land to be dedicated and the improvements to be made pursuant to this section shall be subject to the approval of the Director of Community Services and shall conform to the City's guidelines for park dedications.

### **7.70.070 Criteria for Requiring Payment of In-Lieu Fees**

Whenever a fee is to be paid in lieu of the dedication of land, the following provisions shall apply:

- A. The fee shall be based either on the fair market value of the land that would otherwise be required or on a fixed in-lieu rate established by the City Council. If no fixed in-lieu fee rate has been established, the fee shall be determined by multiplying the number of acres of land required to be dedicated pursuant to this section by the per acre fair market value of the improved value of the subdivision.
- B. The fair market value shall be determined and agreed to by the City and the subdivider. However, if an agreement on the fair market value cannot be reached, the subdivider may, at his or her own expense, obtain an appraisal of an acre of land within the subdivision based on the value of the land as a recorded map. If the City does not accept the subdivider's appraisal, it may cause an appraisal to be made of the land by an MAI appraiser, for which the subdivider pays, which appraisal shall be final and conclusive.
- C. Whenever fees are paid pursuant to this section, the City shall deposit the fees into a separate account applicable to the project. Money in the account, including accrued interest, shall be expended solely for development of parkland or improvements related thereto or the rehabilitation of existing park or recreational facilities within the subdivision except as provided in Government Code Section 66472(a)(3)(B). If the final map is withdrawn or rejected, the fees shall be returned without interest to the subdivider.
- D. The City shall commit the uses of the collected fees for parks or recreational purposes to serve residents of the subdivision within 5 years upon receipt of payment or within 5 years after the issuance of Building Permits on one half of the lots created by the subdivision, whichever occurs later. If the fees are not so committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.
- E. The Director of Community Services shall report to the City Council at least annually on income, expenditures, and status of the subdivision park account.

### **7.70.080 Credit for Private Parks and Recreation Areas**

Where private park areas for active recreational purposes are proposed within a subdivision to be privately-owned and -maintained, the subdivider may receive up to a 50 percent credit against the requirement of land dedication or payment of in-lieu fees as follows:

- A. Yards, court areas, setbacks, and other open space areas required by the Community Development Department shall not be included in the computation of such private open space.
- B. Use of the private park or recreational area is restricted for park and recreation purposes by recorded covenants which run with the land in favor of the future owners of the property which cannot be



eliminated without the consent of the City and which are submitted to the City prior to the approval of the final map.

- C. The private park or recreation area is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.
- D. The private park and recreation facilities shall be owned by the developer or a homeowners association composed of all property owners in the subdivision and incorporated as a nonprofit mutual benefit organization, operated under recorded land agreements through which each lot owner, renter, or lessee is automatically a member, and each lot is subject to a charge for a proportionate share of expenses for maintaining the facilities.
- E. Active recreational purposes shall mean, for purposes of this section:
  - 1. Park areas for active recreational pursuits, such as sports fields, court games, swimming pools, children's play areas, picnic areas, and open lawn areas having a maximum 10 percent slope.
  - 2. Recreational buildings and facilities designed for the recreational needs of the residents within the development.
- F. Active recreational uses do not include natural open space, nature study areas, open space or buffer areas, steep slopes, riding and hiking trails, scenic overlooks, water courses, drainage areas, or water bodies.

### 7.70.090 Exemptions

This chapter shall not apply to the following land divisions:

- A. Commercial or industrial subdivisions.
- B. Subdivisions containing fewer than five parcels and not used for residential purposes; provided, however, that a condition shall be placed on the approval of a tentative parcel map that if a Building Permit is requested for construction of a residential structure or structures on one or more of the parcels within 4 years after the map is approved, a fee may be required to be paid by the owner of each parcel as a condition to the issuance of such Building Permit.
- C. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than 5 years old when no new dwelling units are added.

## CHAPTER 7.75 IMPROVEMENTS

### SECTIONS

7.75.010	Improvements Required .....	7-59
7.75.020	Off-Site Improvements.....	7-59
7.75.030	Deferred Improvements .....	7-59
7.75.040	Design of Improvement Plans and Standards .....	7-60
7.75.050	Subdivision Improvement Agreements and Security .....	7-61
7.75.060	Completion of Improvements .....	7-63

### 7.75.010 Improvements Required

- A. The subdivider shall construct all required improvements both on-site and off-site in accordance with the standards approved by City Council resolution and applicable City standards as provided by this Title. Except as provided herein, the subdivider shall be required to install all improvements that are required as conditions of approval to the tentative map, and to install all improvements that are required by City ordinance or resolution.
- B. The applicant shall pay all impact fees, pursuant to the applicable impact fee ordinances, in the amount that is in effect at the time such fees are due, unless a different amount applies as follows:
1. Projects subject to a vesting tentative map or vesting tentative parcel map.
  2. Projects subject to a development agreement.

### 7.75.020 Off-Site Improvements

- A. If the subdivider of a tentative map is required to construct off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest to allow construction, one the following shall apply:
1. The subdivider shall acquire all off-site interests in property required and provide written evidence to the City of such acquisition.
  2. If the subdivider, after a good faith effort, is unable to acquire the property, the City shall, within 120 days of filing of the final map, acquire by negotiation or commence condemnation of the land, in substantial compliance with the procedures set forth in Government Code Section 7260, or the City shall waive the condition for the off-site construction.
- B. Notwithstanding subsection (A) of this section, should the City Engineer find, based on substantial evidence, that the subdivision design incorporates an alternative that would comply with City standards in the absence of the off-site improvement, the acquisition of off-site property shall not be required.

### 7.75.030 Deferred Improvements

- A. The approving authority, at its discretion, may approve any request for deferred construction of on-site and off-site improvements for tentative maps at the time of approval of the tentative map. Any

improvements that are deferred by the approving authority shall be noted on the final or parcel map, and a deferred improvement agreement shall be filed with the City Engineer prior to or concurrent with the filing of the final map or parcel map.

- B. The City Attorney shall approve the form and content of all deferred improvement agreements prior to the City accepting the document.

### **7.75.040 Design of Improvement Plans and Standards**

- A. Standards for design and construction of subdivision improvements shall be in accordance with the applicable City standards, the conditions of approval of the tentative map, and the requirements established by the City Engineer.
- B. Public improvement plans shall be acted on by the City Engineer within the time frame set forth in Government Code Section 66456.2, and the projects conditions of approval
- C. Public improvement plans shall be prepared under the direction of a registered civil engineer and other professionals as required by the City Engineer, and shall be reviewed and approved by the City Engineer, if he or she can make the following findings:
1. The plans are signed and stamped by a registered civil engineer and all other registered professionals trades as required by the improvement plans (e.g., Geotechnical Engineer, Electrical Engineer, Structural Engineer, Landscape Architect).
  2. The plan designs are consistent with the tentative map, the conditions of approval, and applicable City standards, with the exception of minor errors or incompleteness that do not materially affect the design or the plan constructability thereof.
  3. All reports and studies required to evaluate the facility design and the completeness of the plans have been prepared by a registered civil engineer and have been reviewed and approved by the City Engineer.
  4. All conditions of approval relative to public improvement requirements have been addressed to the satisfaction of the reviewing authority and the City Engineer.
  5. All title and interest has been obtained by the subdivider for off-site property interest, except as otherwise provided for in Section 7.70.020.B.
  6. All cost estimates have been approved by the City Engineer, and payment of all applicable fees has been received.
  7. Approval of designs and plans have been obtained from all other applicable agencies.
- D. All improvement plans shall be prepared in accordance with the following City standards:
1. Those ordinances, policies, and standards in effect at the time the final map is submitted.
  2. Those ordinances, policies, and standards in effect at the time the application for the vesting tentative map is deemed complete. However, the City Engineer may modify those City standards under the following conditions:

- a. When failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both
  - b. When needed to comply with state or federal laws.
  - c. When, in the opinion of the City Engineer, with the consent of the subdivider, a new standard or requirement is needed which will not materially affect the intent of the subdivider or the conditions of approval. This shall include the adoption of other agency standards for use by the City Engineer.
- E. Approval by the City Engineer of any public improvement plans, or any grading plans that are required as part of the approval of the final map or parcel map, shall expire upon the expiration of any applicable subdivision improvement agreement, or 2 years from the date the City Engineer approves the plans, whichever is later. Upon expiration of those plans, new approvals from the City Engineer, together with the payment of new plan review fees, shall be required for any portions of the subdivision for which grading and improvements have not been completed.
- F. Improvement plans that have not been approved and inactive for a year or more....

### **7.75.050 Subdivision Improvement Agreements and Security**

Pursuant to the Map Act, if any public improvement required as part of the approval of the subdivision will not be completed and accepted in accordance with Section 7.75.060 (Completion of Improvements) prior to approval of the final map, the subdivider, at his expense, shall be required to enter into a subdivision improvement agreement with the City to complete such public improvements in accordance with Section 7.75.060 (Completion of Improvements). Performance of the agreement shall be guaranteed by the security specified in this section.

- A. The form and content of subdivision improvement agreements shall be approved by the City Attorney. The agreement shall include, but not be limited to, the following minimum terms and conditions:
1. Construction of all improvements as set forth in the approved plans and specifications.
  2. The maximum period within which all improvements shall be completed to the satisfaction of the City Engineer.
  3. Provisions for inspection of all improvements by the City Engineer and payment of fees by the subdivider for the cost of such inspection and all other incidental costs incurred by the City in enforcing the agreement.
  4. A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the City in completing such work, including interest from the date of notice of the cost and expense until paid.

5. A provision that, in the event of litigation occasioned by a default of the owner or subdivider, his successors or assignees, the owner or subdivider, his successors or assignees will pay all costs involved, including reasonable attorneys' fees, and that the same may be recovered as part of a lien against the real property.
  6. Additional terms or provisions, as may be necessary, pertaining to the forfeiture, collection, and disposition of improvement security upon the failure of the contracting party to comply with the terms and provisions thereof or with the terms and provisions of this Title.
- B. Subdivision improvement agreements shall be valid for a period specified in the agreement, but not to exceed 2 years from the effective date of the agreement. The City Engineer may, in his/her discretion, extend the term of the subdivision improvement agreement. The agreement shall not only bind the present subdivider, but also his heirs, successors, executors, administrators, and assignees, so that the obligation runs with the real property. All agreements shall be executed by all those parties executing the final map or parcel map, with all signatures acknowledged before a notary public, and shall be transmitted by the City Clerk to the Riverside County Recorder concurrently with the final map or parcel map. The agreement shall be recorded upon the title of said real property, in the Office of the County Recorder, at the expense of the subdivider.
- C. Improvement securities shall be required to be posted as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final tract map, parcel map waiver, lot line adjustment, or lot merger. Unless otherwise provided herein, all such improvement securities shall be provided in one of the following forms, subject to the approval of the City Engineer and the City Attorney:
1. A bond or bonds by one or more duly authorized corporate sureties substantially in the form prescribed in the Map Act and subject to the approval and acceptance of the City Attorney and City Council.
  2. A deposit with the City of either immediately negotiable bonds or a letter of credit.
  3. Any other form of security, including a lien or other security interest in real property, which the City Engineer and the City Attorney may, in their discretion, allow, provided they determine that it is equivalent to the foregoing forms of security in terms of security and liquidity.
  4. Any written contract or document creating security interest established pursuant to subsection (C)(3) of this section shall be recorded in the Office of the County Recorder. From the time of recordation, a lien shall attach to the real property described therein, which lien shall have the priority of a judgment lien in the amounts specified.
- D. The subdivider shall provide as security to the City:
1. For performance and guarantee: an amount determined by the City Engineer equal to 100 percent of the total estimated cost of the improvement to be performed, including grading monumentation. The estimated cost of improvement shall include a 10 percent contingency and a 10 percent increase for projected inflation computed to the estimated mid-point of construction.



2. For payment: an amount determined by the City Engineer equal to 50 percent of the total estimated cost of the improvement to be performed, excluding grading and monumentation.
- E. Improvement security may be released in whole or in part upon the completion and acceptance of all or part of the act or work by the City Council; provided, however, such release shall not apply to the amount of security deemed necessary by the City Engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorneys' fees, incurred by the City in enforcing any improvement agreement. The subdivider shall not be entitled to any reduction in security until all improvements have been completed to the satisfaction of the City Engineer.

### 7.75.060 Completion of Improvements

- A. Public improvements required as a condition of approval shall be completed in accordance with this Title, unless they are deferred pursuant to Section 7.75.030 (Deferred Improvements). The City Engineer shall review and approve any improvement agreement, conduct an inspection, and approve any constructed public improvement necessary to satisfy this provision, with the City Council providing final approval of any agreement or acceptance of any completed public improvement.
- B. Once begun, public improvements for a final map, or for a parcel map when required, shall be constructed to completion without interruption. The subdivider shall exercise due diligence to ensure that this provision is met to the satisfaction of the City Engineer. Construction and inspection of public improvements shall be governed by City standards and the requirements of any applicable permit.
- C. The City Engineer may release in whole or in part an amount of the applicable securities upon determination that the relevant public improvement is complete.
- D. Notwithstanding any applicable agreement, the ownership of and responsibility for the construction and maintenance of any public improvement is held by the subdivider and shall remain so until such time as the City Council accepts the completed public improvements.
- E. Upon acceptance of a public improvement, a notice of completion for that public improvement shall be filed, and the City Council shall authorize the City Engineer to release applicable securities in whole or in part for that public improvement. This action shall serve to transfer ownership and maintenance responsibility of the public improvement from the subdivider to the City, and to provide full acceptance of the applicable dedication or easement, which acceptance had been contingent upon completion and acceptance of public improvements within said dedication or easement, subject to the terms of any applicable agreement.
- F. Upon acceptance of a public improvement, the public improvement shall be considered to have entered the warranty period. The warranty period shall be a minimum of 1 year or such period as necessary to ensure that the public improvements are suitable for public ownership and maintenance responsibility, as determined by the City Engineer and accepted by the City Council. A minimum of 10 percent of the securities shall be retained for the duration of the warranty period.
- G. Public park facilities shall be completed in accordance with the provisions of this Title and to the satisfaction of the Director of Community Services. The City Council shall provide final approval and acceptance of public park facilities and other fee title interests.

# ARTICLE 5: DEFINITIONS

Adopted

Date

Effective

Date

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CHAPTER 7.80 DEFINITIONS.....7-64

## CHAPTER 7.80 DEFINITIONS

### SECTIONS

7.80.010	Purpose .....	7-64
7.80.020	Definitions.....	7-64

#### 7.80.010 Purpose

This chapter provides definitions of terms and phrases used in this Subdivision Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Subdivision Ordinance. If a word is not defined in this chapter, or other provisions of the Municipal Code, the Community Development Director shall determine the most appropriate definition in compliance with Chapter 7.10 (Rules of Interpretation). State law definitions, as they may be amended from time to time, control over the definitions in this section.

#### 7.80.020 Definitions

**Alley.** A public way for pedestrian, equestrian, or vehicle use which affords only a secondary means of access to abutting properties.

**Approved.** When used to refer to tentative map or other subdivision or reconfiguration action means having received the consent, endorsement, or permission of the city or any advisory agency and includes those maps or actions which have been conditionally approved.

**CEQA.** The California Environmental Quality Act of 1970 as amended.

**Consistent.** Free from variation or contradiction. State law requires consistency between a general plan and implementation measures such as the subdivision ordinance.

**County.** The County of Riverside.

**Design.** (1) Street alignments, grades, and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to incur consistency with, or implementation of the general plan or any applicable specific plan; and (10) the linking of components of the built environment, thereby establishing a sense of order and organization to what otherwise can be perceived as disjointed or haphazard development.

**Development Code.** Title 9 of the city of Menifee Municipal Code, including all text and maps, as it may be amended from time to time. See also *Zoning Ordinance*.

**Frontage Street.** A street that is parallel and adjacent to a freeway or expressway but is separated from it by a physical barrier, and provides access to abutting properties.

**Improvement.** Any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map. It also means any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination of them, is necessary to ensure consistency with, or implementation of the general plan or any applicable specific plan.

**Lot.** A parcel of real property with a separate and distinct number or other designation shown on an approved map such as a final tract map, parcel map, record of survey, other plot, or described as a separate and distinct lot by a metes and bounds description, which is filed in the office of the county recorder.

**MAI Appraiser.** An appraiser that is a member of the Member of the Appraisal Institute.

**Net Area.** Excludes area on a lot or lots identified or designated for utilization as dedications and easements for access to ingress to or egress from property easements for streets or pedestrian/equestrian purposes irrespective of whether such easements are public or private.

**Public Improvement.** Traffic controls, streets, roads, highways, freeways, bridges, over crossings, street interchanges, transit facilities, trails, flood control or storm drain facilities, sewer and water facilities, and lighting facilities.

**Section.** A section of this Title, unless some statute or other ordinance is referred to.

**Subdivider.** The landowner or the owner's designee.

**Subdivision Map Act.** Section 66410 et seq. of the Government Code.

**Tentative Map.** A map resulting in five or more parcels prepared in accordance with the provisions of this Title and for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. It need not be based upon an accurate and detailed final survey of the property.

**Tentative Parcel Map.** A map resulting in four or fewer parcels prepared in accordance with the provisions of this Title and for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. It need not be based upon an accurate and detailed final survey of the property.

**Vesting Tentative Map.** A tentative map prepared in accordance with the provisions of this Title that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed.

**Vesting Tentative Parcel Map.** A tentative parcel map prepared for in accordance with the provisions of this Title that shall have printed conspicuously on its face the words "Vesting Tentative Parcel Map" at the time it is filed.

**Zoning Ordinance.** Title 9 of the city of Menifee Municipal Code, including all text and maps, as it may be amended from time to time. See also *Development Code*.

## Attachment 4: Menifee Draft Ordinance - Title 8 Grading

City of Menifee Municipal Code  
Title 8, Buildings & Construction

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### CHAPTER 8.26 GRADING REGULATIONS

#### SECTIONS

8.26.010 General Provisions and Enforcement .....	1-1
8.26.020 Definitions.....	1-5
8.26.030 Grading Permits .....	1-8
8.26.040 Grading Permit Application .....	1-11
8.26.050 Grading Plans.....	1-11
8.26.060 Erosion Control Plan .....	1-14
8.26.070 Geotechnical Reports .....	1-15
8.26.080 Fees .....	1-17
8.26.090 Issuance of Grading Permit.....	1-17
8.26.100 Denial of Grading Permit .....	1-18
8.26.110 Permit Expiration, Renewal and Suspension .....	1-18
8.26.120 Security .....	1-19
8.26.130 Time of Grading Work.....	1-21
8.26.140 Import and Export of Earth Material .....	1-21
8.26.150 Haul Routes for Earth Material.....	1-22
8.26.160 Earth Materials on Public Streets .....	1-22
8.26.170 Dust Control.....	1-22
8.26.180 Cuts .....	1-23
8.26.190 Fills .....	1-23
8.26.200 Hazardous Conditions .....	1-25
8.26.210 Setbacks.....	1-26
8.26.220 Drainage and Terracing.....	1-28
8.26.240 Retaining Walls .....	1-29
8.26.250 Expansive Soils.....	1-30
8.26.260 Asphalt Paving .....	1-30
8.26.270 Erosion Control Systems .....	1-31
8.26.280 National Pollution Discharge Elimination System (NPDES).....	1-34
8.26.290 Grading Inspection.....	1-35
8.26.300 Change in Professional of Record .....	1-38
8.26.310 Issuance of Building Permits.....	1-39
8.26.320 Completion of Work .....	1-39

#### 8.26.010 General Provisions and Enforcement

- A. **Name.** This chapter shall be known as the "Grading Regulations."
- B. **Purpose.** The purpose of this chapter is:
1. To establish standards regulating the design and construction of building sites and the development of property by grading.



2. To regulate the alteration of the ground surface to protect and preserve the public health, safety and general welfare.
  3. To minimize differential settlement and the slipping or sliding of earth.
  4. To protect adjacent properties from damage caused by blockage or diversion of natural runoff waters.
  5. To require engineering analysis of expansive soil conditions, erosion control and drainage.
  6. To establish criteria for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered.
  7. To establish administrative procedures for the issuance of Grading Permits, the approval of plans and the inspection of grading construction.
  8. To provide for the enforcement of the requirements contained in this chapter.
- C. **Intent.** It is the intent of this chapter and the erosion control procedures contained herein to regulate grading work to protect against potential slope and wall failure and adverse impacts on the proper use and enjoyment of property, environmentally sensitive areas and biological and wildlife resources within and surrounding the City of Menifee, and the health safety, welfare of public. The procedures established by this chapter and the conditions of approval imposed hereunder through discretionary approvals and permits are intended to accomplish this protection. Notwithstanding the above, in the event the City encounters situations that endanger any environmentally sensitive area or biological and wildlife resource, the City Engineer/Public Works Director is authorized to take all necessary action to protect the environment pursuant to this chapter and other applicable ordinances and laws.
- D. **Scope.** This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including, but not limited to, fills and embankments, and to establish administrative requirements for the issuance of Grading Permits, the approval of plans and the inspection of grading construction in accordance with the requirements for grading and excavation as contained in California Building Code with deletions, modifications or amendments to meet local conditions.
- E. **Applicability.** The requirements of this chapter are applicable to all excavation, fill, clearing, brushing, grubbing, grading activities, and earthwork construction located within the City of Menifee.
- F. **Administration and Enforcement Responsibility.** The City Engineer/Public Works Director shall be responsible for the administration and enforcement of this chapter. The City Engineer/Public Works Director is authorized to issue notices and orders that are necessary to ensure compliance with this chapter.
- G. **Safety Precautions; Stop Work Order.**
1. If at any stage of a project the City Engineer/Public Works Director determines by inspection that further grading as authorized by a Grading Permit is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the City Engineer/Public Works Director may order the work stopped by notice

in writing that is personally served to any persons engaged in doing or causing such work to be done, and any such person shall immediately stop such work. If the persons conducting the grading operations are not present at the site, the City Engineer/Public Works Director may post the Stop Work Order to the property. The City Engineer/Public Works Director may authorize the work to proceed in writing if he or she finds adequate safety precautions have been taken or corrective measures have been incorporated in the work to avoid the likelihood of such danger, deposition, or interference recurring.

2. A stop work order that is issued pursuant to this section is appealable, however, a timely appeal under Section 8.26.010.K (Appeals) shall not stay the order. Provided there is a timely appeal, all work shall remain suspended until the Building Board of Appeals has rendered its decision.

**H. Unpermitted Work; Stop Work Order.**

1. Whenever the City Engineer/Public Works Director determines unpermitted work is occurring without all required approvals and permits, he or she may order the work stopped by notice in writing that is personally served on any persons engaged in doing or causing such work to be done, and any such persons shall immediately stop such work. If the persons conducting the grading operations are not present at the site, the City Engineer/Public Works Director may post the Stop Work Order to the property. It is unlawful for any person to violate a stop work order. The City Engineer/Public Works Director shall also serve a copy of the notice on the property owner(s) by first class mail in the manner set forth in Section 8.26.010.J.2 (Service of Notices).
2. A stop work order that is issued pursuant to this section is not appealable.

**I. Protection of Adjacent Property.**

1. Permittees and owners of real property on which the grading is performed shall be responsible for the prevention of damage to adjacent property (whether private or public). No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property without taking adequate measures to support and protect such property from settling, cracking, or other damage that might result from the proposed work. Any person performing any grading that involves imported or exported materials shall take special precautions, as approved by the City Engineer/Public Works Director in writing, to prevent such materials from being deposited on adjacent properties, any public way and/or any drainage course.

**J. Service of Notices.**

1. Unless otherwise set forth in this chapter, any notice that is issued under this chapter may be served by personal delivery or by first class mail. The date of service shall be the date it is personally delivered or placed in a U.S. Postal Service receptacle whichever is earlier.
2. Unless the City Engineer/Public Works Director has specific information to the contrary concerning a property owner's current address, notices to property owners shall be sent to the mailing address that is shown on the last equalized assessment roll of the Riverside County Assessor's Office. Failure of any property owner to receive a properly addressed notice by mail

shall not extend any appeal period, nor shall it invalidate any actions or proceedings that are initiated in connection with this chapter

**K. Appeals.**

1. *Right of Appeal.* Except as hereafter stated, permit applicants or owners (if not the applicant) who object to decisions (including the imposition of conditions or the suspension/revocation of a permit) or determinations made by the City Engineer/Public Works Director pursuant to this chapter may file an appeal on a city-approved form in the City Clerk's Office at City Hall within 10 days of the issuance of the City Engineer/Public Works Director's order, decision or determination. The person appealing shall concurrently tender the required fee as established by resolution of the City Council. An untimely appeal or the absence of the required fee shall constitute a waiver of the right to appeal and the condition(s) shall be deemed final.
  - a. Except as otherwise provided in this chapter, permit applicants or owners (if not the applicant) do not have a right to appeal determinations of the City Engineer/Public Works Director that they are violating, or failing to comply with, this chapter.
  - b. The City Clerk's office must receive an appeal and the required fee in the required period in order for the appeal to be timely.
2. *Limitations on Authority.* An appeal shall be based on a claim that the true intent of this chapter has been incorrectly interpreted with regard to permit conditions or other provisions of this chapter, or that this chapter's provisions do not fully apply to a project or that an equally good or better form of work or installation is proposed. The Board does not have the authority to interpret the administrative provisions of this chapter, nor shall the Board have any authority to waive requirements of this chapter. The Board does not have any authority to consider alleged violations of this chapter, except when they are the basis of a stop work order, permit suspension or revocation.
3. *Reviewing Authority.* Appeals shall be heard by the Building Board of Appeals, which is established in Subsection 1.8.8.1.1 of the Menifee Building Code as adopted by Section 8.04.030 (A) of the Menifee Municipal Code. The Board shall adopt rules of procedure for conducting its business. In the event the City Council fails to appoint such a Board, the Planning Commission shall function as such. Decisions of the Board are final and non-appealable to the City Council.

**L. Penalties for Violation.**

1. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of law, shall be punished according to the provisions of 1.02.200 of the Menifee Municipal Code. . Each person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter, including any physical condition created in violation of this chapter, is continued or permitted to continue and shall be punished as provided for in this chapter.
2. Violations of this chapter constitute a public nuisance that may be abated by the City Attorney or City Prosecutor in a civil judicial action. The city's election of this remedy shall not preclude the exercise of the City's other remedies as provided by law, such as administrative action.

## 8.26.020 Definitions

For purposes of this chapter, the words and phrases in this section shall have the following meanings, except where the context clearly indicates a different meaning.

**Approval.** A written professional engineering or geological opinion by the civil engineer of record, the engineering geologist of record or the soil engineer of record, whichever is applicable, concerning the satisfactory progress and completion of the work, unless the code is referring to approval by the City Engineer/Public Works Director.

**Approved plans.** The current plans and specifications for all grading or clearing, brushing and grubbing or other related work, which contains the City Engineer/Public Works Director's signature of approval. The term "approved plans" includes, but is not limited to, any mass grading plan, rough grading plan, precise grading plan, WQMP, street improvement plan, erosion control plan and/or temporary stockpile plan as such plans are set forth and described in this chapter.

**As-graded.** The surface configuration upon completion of grading.

**Bedrock.** In-place solid rock or sufficient solid in-place soil and rock to be classified by a registered geologist, soil engineer or civil engineer as bedrock.

**Bench.** A relatively level step excavated into stable earth material on which fill is to be placed.

**Best Management Practices (BMP).** Best Management Practices (BMP) means a practice, or combination of practices, or physical structural facility or measure that is determined to be an effective and practicable (including technological, economic, and institutional considerations) means of preventing or reducing an anticipated impact, such as water pollution.

**Borrow.** Earth material acquired from an off-site location for use in grading on a site.

**California Building Code (CBC).** The California Code of Regulations Title 24 as adopted by ordinance by the City Council of the City of Menifee.

**CEQA.** The California Environmental Quality Act.

**City Engineer/Public Works Director.** The City Engineer/Public Works Director for the City of Menifee. All references in the California Building Code to "Building Official" shall mean the City Engineer/Public Works Director for the purposes of this chapter.

**Civil engineer.** A licensed professional engineer registered in the State of California and authorized to practice in the field of civil engineering, who is listed on the Grading Permit as the civil engineer of record and who is responsible for preparing, signing, stamping or approving all or a portion of the approved plans and the reports required by this chapter.

**Civil engineering.** Civil engineering is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind. For a complete definition, see Rules of the State Board of Registration for Professional Engineers and Land Surveyors Section 404.)

**Clearing, brushing and grubbing.** The removal of vegetation (grass, brush, trees and similar plant types) by mechanical means.

**Compaction.** The densification of a fill by mechanical means.

**Construction General Permit (CGP).** The State of California's Construction General Permit for stormwater discharge.

**Earth material.** Any rock, natural soil or fill and/or any combination thereof.

**Engineering geologist.** A geologist certified in the State of California to practice engineering geology, who is listed on the Grading Permit as the engineering geologist of record and who is responsible for preparing, signing, stamping or approving all or a portion of the approved plans and the reports required by this chapter.

**Engineering Geology.** Engineering geology is 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 works. For a complete definition, see Rules of the State Board of Registration for Professional Engineers and Land Surveyors Section 404.

**Environmentally Sensitive Area (ESA).** Any land in a natural condition subject to an open space easement; any natural lake, stream, creek or riparian area; any wildlife habitat area identified in an environmental impact report, initial study or other environmental assessment; or any land determined by the city to be environmentally sensitive with respect to any particular grading activity based on an environmental assessment, initial study, CEQA guidelines or other information in connection with the proposed grading activity.

**Erosion.** The wearing away of the ground surface and resulting transport of sediment or dust as a result of the movement of wind, water, ice, and/or other natural agents

**Erosion control system.** A combination of desilting facilities and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities and receiving waters from deposits of sediment, silt or dust.

**Excavation.** The mechanical removal of earth material.

**Fault.** A fracture in the earth's crust along which movement has occurred. A fault is considered active if movement has occurred within the last 11,000 years.

**Fill or filling.** The deposit of earth material placed by artificial means.

**Engineered Fill.** Soil or crushed stone that is compacted and used as replacement ground material during construction activities when the quality and type of existing material is not suitable for conditions of the proposed project.

**Grade.** The vertical elevation or slope of the ground surface. The following types of grade have the following specific meanings:

**Existing grade.** The ground surface prior to grading.



**Finish grade.** The final grade of the site, which conforms to the approved plans.

**Natural grade.** The ground surface unaltered by artificial means.

**Rough grade.** The stage at which the grade approximately conforms to the approved plans.

**Grading.** Any excavation or filling or combination thereof.

**Mass grading.** Grading that is completed on a large scale over a large area prior to rough grading and which, when completed, is within two vertical feet of the final grade elevations of the site.

**Grading contractor.** A contractor licensed and regulated by the State of California who specializes in grading or is otherwise licensed to do grading, and who is listed on the Grading Permit as the grading contractor of record.

**Grading Permit.** The official document or certificate issued by the City Engineer/Public Works Director authorizing grading or clearing, brushing and grubbing or other related work as specified on the approved plans. The term "Grading Permit" includes any mass Grading Permit, precise Grading Permit or rough Grading Permit issued for the work described in the approved plans.

**Grading Permit, mass.** A Grading Permit issued to complete mass grading work.

**Grading Permit, precise.** A Grading Permit issued on the basis of approved plans that show the precise location of structures, finish elevations and all on-site improvements.

**Grading Permit, rough.** A Grading Permit issued on the basis of approved plans that need not show the location of structures but must show interim building pad drainage to the degree required by the City Engineer/Public Works Director.

**Grading plans.** A grading plan is a document that illustrates existing and proposed site topography, and the limits of grading and disturbance.

**Key.** A designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

**Keyway.** An excavated trench into competent earth material beneath the toe of a proposed fill slope.

**Permittee.** Any property owner to whom a Grading Permit has been issued.

**Property owner.** Any person, partnership, corporation or other legal entity having a legal or equitable interest in a given real property.

**Regional Water Quality Control Board (RWQCB) –** The Santa Ana/Region 8 California Regional Water Quality Control Board.

**Retaining wall.** A wall designed to resist the lateral displacement of soil or other materials.

**Site.** Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

**Slope.** Any inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage ratio of the vertical distance divided by the horizontal distance times 100.

**Slope stability - gross stability.** The factor of safety against failure of the slope material below the surface, approximately 3 to 4 feet deep measured from and perpendicular to the slope face.

**Slope stability - surficial stability.** The factor of safety against failure of the outer 3 to 4 feet of slope material measured from and perpendicular to the slope face.

**Soil.** Naturally occurring surficial deposits overlaying bedrock.

**Soils engineer.** A civil engineer registered in the State of California experienced and knowledgeable in the area of soil engineering, who is listed on the Grading Permit as the soil engineer of record and who is responsible for preparing, signing, stamping or approving all or a portion of the approved plans and the reports required by this chapter.

**Soils engineering.** The investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials. For a complete definition, see Rules of the State Board of Registration for Professional Engineers and Land Surveyors Section 404.

**Terrace.** A relatively level step constructed into the face of a graded sloped surface for drainage and maintenance purposes.

**Testing agency.** A facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this chapter and is approved by the City Engineer/Public Works Director.

**Work.** Any grading, clearing, brushing or grubbing or any other activity permitted under any approved plan.

**Water Quality Management Plan (WQMP).** A Project WQMP describes the Best Management Practices (BMPs) that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff. All development projects must prepare and implement Project WQMPs as part of the National Pollutant Discharge Elimination System (NPDES) program to reduce and eliminate water pollution caused by runoff flowing from developed sites into nearby receiving waters.

## 8.26.030 Grading Permits

### A. Grading Permit Required.

1. *Generally.* No person shall conduct any grading or clearing, brushing and grubbing on natural or existing grade that is preparatory to grading or land development without first obtaining a Grading Permit. No person shall maintain land upon which grading without a permit has

occurred. A separate grading permit shall be obtained for each site. One permit may cover both an excavation and any fill made with the excavated materials on the same site. A grading permit does not include the construction of retaining walls or other structures. These additional structures shall require separate permits. No person shall conduct any grading or clearing, brushing and grubbing in the following areas without first obtaining a Grading Permit:

- a. Previously undisturbed land.
  - b. Land covered by native vegetation.
  - c. Land which has not been used for agricultural purposes for 3 years immediately prior to the initiation of grading work that is for the purpose of conducting agricultural activities. This section shall not prohibit routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation to eliminate a potential fire hazard upon order of the Fire Marshal.
2. *Responsibility of land owners.* No person shall stockpile, deposit or allow the placement or removal of earth material on or from any real property in excess of 50 cubic yards without first obtaining a Grading Permit.
- a. *Borrow site permit.* A Grading Permit which authorizes removal of soil from a site for use elsewhere is subject to conditions which may include, but are not limited to, the following items: a plan prepared by a registered civil engineer, an erosion control plan prepared by a registered civil engineer, and a maintenance requirement plan that outlines project features such as fencing and restoration activities. Other conditions may be established, even after the borrow site permit has been issued, in the interest of public health, safety or welfare, as determined by the City Engineer/Public Works Director.
  - b. *Stockpile permit.* A Grading Permit authorizing temporary storage of soil that is to be used for the future development of the stockpile site where there is no current project for storage of soil, for current or future sale, or for some other purpose as stated by the property owner. Stockpile permits shall be valid for a maximum of 12 months after issuance. If after 12 months there has not been sufficient movement towards the development of the site, the City Engineer/Public Works Director may require the removal of the stockpile. Requests for stockpile permits shall be reviewed on a project basis. Such requests may be considered to be the establishment of a business and may require review by other City Departments. A stockpile permit is subject to all of the same requirements as a borrow site permit.
  - c. *BMPs Required.* In cases where a grading permit is not required, sediment and erosion control BMPs are still required to ensure the disturbed area will not discharge any sediment, soil, or other material off-site.
3. *Pavement surfacing.* No person shall construct pavement surfacing in excess of 5,000 square feet, on natural or existing grade, for the purpose of a private road or driveway or a commercial, industrial or multi-residential parking lot or travel-way without first obtaining a Grading Permit, unless the need for a Grading Permit is waived by the City Engineer/Public Works Director or a separate improvement plan for the pavement surfacing has been approved and signed by the

City Engineer/Public Works Director. Resurfacing or maintenance of paved surfaces is exempt from this requirement.

- B. Exemptions.** The following types of work are exempt from the Grading Permit requirements in this section, except that the City Engineer/Public Works may require a grading permit where deemed necessary to prevent the potential for adverse impacts upon drainage, sensitive environmental features, or to protect property, health, safety and welfare.
1. An excavation below finish grade for basements and footings of a building, mobile home, retaining wall, swimming pool or other structure authorized by a valid Building Permit or Construction Permit. This exemption shall not include any fill made with the material from such excavation, any excavation having an unsupported height greater than 5 feet after the completion of such structure, or any unsupported excavation with vertical banks more than 2 feet high. This exemption shall not prohibit collection of applicable fee for issuing a Grading Permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the City Engineer/Public Works Director, stability considerations warrant such inspection.
  2. An excavation not exceeding 50 cubic yards on a single site that is less than 2 feet in vertical depth or that does not create a cut slope greater than 5 feet in vertical height and steeper than a 2 to 1 (2:1) horizontal to vertical ratio.
  3. A fill not exceeding 50 cubic yards on a single site that is less than 1 foot in depth, that does not obstruct a drainage course and that is placed on natural grade with a slope flatter than a 5:1 horizontal to vertical ratio.
  4. A fill less than 3 feet in depth, not intended to support structures or mobile homes, that does not exceed 50 cubic yards on a single site and does not obstruct a drainage course.
  5. Cemetery graves.
  6. Refuse disposal sites controlled by other regulatory agencies and regulations.
  7. Earthwork construction regulated by federal, state, county or city governments or by a local agency as defined by California Government Code Sections 53090 through 53095 (special districts). Pipeline or conduit excavation and backfill conducted by local agencies or public utilities. Earthwork construction performed by railway companies. This exemption applies only if the earthwork takes place on property under the control of, or dedicated rights-of-way or easements owned by, the aforementioned public agencies.
  8. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay authorized and conducted in accordance with applicable state and local laws, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property or alter the orientation of natural water courses which may result in adverse changes on adjoining property.

9. **Exploratory excavations** under the direction of a soil engineer, engineering geologist, archaeologist or paleontologist, provided all excavations are properly backfilled and compacted or otherwise restored.
  10. **Clearing, brushing and minor grading for agricultural purposes**, provided such operations do not affect the lateral support or increase stresses in or pressures on any contiguous property, nor do they alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in the dumping of organic or hazardous waste not regulated by law. This exemption includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding 3 vertical feet of either excavation or fill for row crops, installation of irrigation systems, and temporary stockpiling of fertilizer or other agricultural materials. A grading plan must be submitted to the City Engineer/Public Works Director for review and approval of exemption.
- C. **Additional Regulations.** Unless otherwise exempt, all excavations and trenches are subject to the applicable sections of the State of California, Division of Safety or Cal-OSHA.

#### 8.26.040 Grading Permit Application

- A. **Contents.** The application for a Grading Permit shall be made in a form and manner prescribed by the City Engineer/Public Works Director. A Grading Permit application shall consist of the following items completed and signed by the applicant or an authorized representative, unless otherwise specified by the City Engineer/Public Works Director:
1. Completed City Application form.
  2. Number of copies of all required plans, reports, and supporting materials as specified within the City application form.
- B. **Environmental Review.** Any application for a Grading Permit shall comply with CEQA by demonstrating with sufficient information that the proposed grading will not cause a significant effect to the environment or that the environmental mitigation measures imposed through a prior and applicable CEQA review have been or will be completed as conditions to the Grading Permit.

#### 8.26.050 Grading Plans

- A. **General Requirements.** Unless waived by the City Engineer/Public Works Director, all grading plans accompanying an application for a Grading Permit shall conform with the following minimum requirements:
1. Grading plans shall be approved and signed by the civil engineer, and, if determined necessary by the City Engineer/Public Works Director, approved and signed by the soil engineer and the engineering geologist, and other professional engineers as determined by the City Engineer/Public Works Director.
  2. Grading plans shall include a statement by the Engineer of Record (civil engineer) declaring the engineer's responsibilities with regards to the preparation and execution of the grading plans.



3. Grading plans shall be prepared on 24-inch by 36-inch paper with a standard City of Menifee title block.
  4. Grading plans shall be accompanied by supporting data and reports as required by the City Engineer/Public Works Director
  5. Grading plans shall be accompanied by a Final WQMP, if applicable, reviewed and approved by the City Engineer/Public Works Director.
  6. Grading plans shall depict, but not be limited to, the original and designed finish contours, spot elevations, building pads, public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls and any structures or buildings on adjacent properties within 100 feet of the common property lines.
  7. Grading plans shall be drawn to engineering scales as approved by the City Engineer/Public Works Director.
  8. The title sheet of the grading plans set shall contain the names, addresses and phone numbers of the property owner, the civil engineer responsible for preparation of the grading plans, the soil engineer and the engineering geologist, and other professional engineers determined by the City Engineer/Public Works Director, including registration numbers. The title sheet shall also contain a location map for the project site.
  9. Grading plans shall include Grading Notes determined by the City Engineer/Public Works Director.
  10. A statement of quantities shall be furnished, giving the estimated cubic yards of excavation and fill, as well as types of ditches and down drains, lineal feet and sizes of various types of pipe, the amount of rock to be used for rip-rap or slope protection, the lineal feet of fencing and any other pertinent information useful in determining the extent of the proposed work, as may be required by the City Engineer/Public Works Director.
  11. Grading plans shall show, if applicable, scaled sections of all stabilization fills, buttress fills, keyways and benching for fill placement recommended by the soil engineer. In addition, the soil engineer shall review and approve this portion of the plan.
  12. Grading plans shall show a current and valid Waste Discharge Identification Number (WDID#), if applicable, and total disturbed acreage.
  - 13.
- B. Mass Grading Plan and Rough Grading Plan.** In addition to the information required by Subsection 8.26.050.A (General Requirements), an application for a mass Grading Permit or rough Grading Permit shall include, but is not limited to, the following information:
1. Vicinity map of the site.

2. Property limits clearly labeled or otherwise identified, accurate contours of existing ground and details of terrain and area of drainage a minimum of 100 feet beyond the property limits (spot elevations may be used on flatland sites).
  3. Prominent existing or natural terrain features.
  4. Location of all easements within the grading limits.
  5. Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices and related construction.
  6. Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with or as part of the proposed work.
  7. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent property owners which may be affected by the proposed grading work.
  8. If the grading project includes the movement of 5,000 cubic yards or more of earth material to or from the site, the permittee shall submit a haul route for review and approval by the Engineering Department. The haul route may be submitted at the pre-construction for the grading permit meeting; however, hauling on public streets shall not commence until approval of the haul route by the Engineering Department. The Engineering Department may prescribe, as a condition of the Grading Permit and submitted haul route, alternate routes or special requirements in consideration of the possible impact on the adjacent community or the environment or the effect on the public right-of-way itself.
  9. Additional plans, drawings, calculations, environmental impact information or other reports and information required by the City Engineer/Public Works Director.
- C. **Precise Grading Plan.** In addition to the information required by Subsections 8.26.050.A, General Requirements and 8.26.050.B, Mass Grading Plan and Rough Grading Plan, an application for a precise Grading Permit shall include, but is not limited to, the following information: the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top or toe of slopes, setback distances between structures and property lines, detailed finish grade and finish floor elevations, flow lines for lot drainage, including spot elevations for the drainage swales, details for building footings and side yard swale relationship (including extra height of or deepened footings) and all proposed Portland cement concrete flatwork and Portland cement concrete/asphalt concrete driveways.
- D. **Grading Plan Check and Approval.** Prior to approval, all grading plans, submitted to the City, shall be reviewed for full conformance with the following: the City's General Plan, this chapter, applicable provisions of the California Building Code, any applicable conditions of approval or specific plans, other rules and regulations of the City, all applicable federal and state requirements, Title 24 of the California Code of Regulations accessibility requirements, the CGP, City technical requirements and grading plans requirements and any other requirements applicable to the development project.

## 8.26.060 Erosion Control Plan

### A. Plan Required.

1. Unless waived by the City Engineer/Public Works Director, all work requiring a Grading Permit shall be required to have an approved Erosion Control Plan. If the requirement for an Erosion Control Plan has been waived, the City Engineer/Public Works Director may still require the installation of an erosion control system to control erosion and provide safety during grading.
2. As determined by the City Engineer/Public Works Director, an Erosion Control Plan can be a part of the Grading plan or a separate plan by itself reviewed and approved by the City Engineer/Public Works Director.
3. No activity authorized under a Grading Permit shall be conducted unless an Erosion Control Plan has been approved or the City Engineer/Public Works Director has waived the requirement for an Erosion Control Plan.
4. The City Engineer/Public Works Director may waive or vary the required contents of an Erosion Control Plan for grading on single residential lot projects.
5. An Erosion Control Plan is required for a project if the City Engineer/Public Works Director determines that erosion or sediment discharge from the project could adversely affect adjacent properties.
6. An approved Erosion Control Plan from the previous year shall be updated and submitted for approval, if necessary, prior to the start of the rainy season, typically starts in October to reflect any changed conditions where the grading or other land disturbance activity is continuing. Updating of the Erosion Control Plan may also be required at any time during construction if deemed necessary by the City Engineer/Public Works Director or his or her designee. Updating of the Erosion Control Plan will also be required for phases of construction not covered by any previously approved Erosion Control Plan.
7. All Erosion Control Plans must be approved, and erosion control devices installed and certified and inspected as being properly constructed by the civil engineer. Sediment control must be continuously maintained throughout the construction process.

### B. Contents of Erosion Control Plans. An Erosion Control Plan shall include, but is not limited to, the following information:

1. Details of all BMPs , necessary to implement and satisfy the applicable requirements and standards set forth in Section 8.26.270 (Erosion Control Systems) and necessary to protect the quality of receiving waters as defined in the Clean Water Act and adjoining public or private property from damage by erosion, flooding or mud and/or debris deposits which may originate from the site or result from the grading work.
2. A 24-hour telephone number of the person responsible for performing emergency erosion control work.
3. The stamp and signature of the civil engineer who prepared the Erosion Control Plan.

4. The erosion control general notes (copies available from the Engineering Department).
  5. Identification of all desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition.
  6. Identification of the streets and drainage devices that will be completed and paved prior to the start of the rainy season, typically starts in October.
  7. Provision for the placement of gravel bags, slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public.
  8. Provision for maintaining access to desilting facilities during wet weather.
  9. A schedule for the construction and ongoing maintenance of all required erosion and sediment control facilities.
  10. Identification of discharge points where concentrated runoff occurs.
- C. Review and Approval.**
1. Erosion Control Plans shall be submitted for review to the City Engineer/Public Works Director concurrent with the Grading Permit application or with submittal of the grading plans, unless otherwise waived by the City Engineer/Public Works Director.
  2. All Erosion Control Plans submitted for review shall be accompanied by the following: payment of the plan-checking fees, the required number of copies of the Erosion Control Plan and required copies of the bond estimate for security.
  3. No Erosion Control Plan shall be approved unless the Erosion Control Plan complies and implements all applicable standards and requirements set forth in this section and Section 8.26.270 (Erosion Control Systems) and 8.26.280 (NPDES).

### 8.26.070 Geotechnical Reports

- A. Generally.** A geotechnical report shall be prepared for every Grading Permit application unless waived by the City Engineer/Public Works Director. Each geotechnical report shall be prepared in accordance with this section and generally accepted soil engineering practices. Each report shall include infiltration rate test results pursuant to the latest guidelines for Infiltration Testing, outlined in the Riverside County Flood Control and Water Conservation District Handbook for Low Impact Development Best Management Practices. Each geotechnical report shall be approved by the City Engineer/Public Works Director. The Building Official may also require a soil engineering report or additional information related to the building structure in accordance with the California Code of Regulations Title 24 (CBC). Recommendations contained in the approved reports shall be incorporated into the grading plans and shall become conditions of the Grading Permit.
- B. Soil Engineering Report.** Unless waived by the City Engineer/Public Works Director, a soil engineering report shall be prepared and submitted for any Grading Permit application associated with any residential, commercial, industrial or similar development project. The soil engineering report shall include information and data regarding the nature, distribution and physical and chemical properties

of existing soils; conclusions as to the adequacy of the site for the proposed grading; recommendations for general and corrective grading procedures; detailed information for the location of recommended stabilization fills or buttress fills; foundation and pavement design criteria; and shall provide other recommendations as determined necessary by the City Engineer/Public Works Director.

- C. **Engineering Geology Report.** An engineering geology report shall be prepared and submitted for any Grading Permit application associated with any development on a hillside site where geologic conditions are determined by the City Engineer/Public Works Director to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites as required by the City Engineer/Public Works Director. The engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary: a geologic map; an opinion as to the adequacy of the proposed development from an engineering geologic standpoint; an opinion as to the extent known or as reasonably should be known how instability on adjacent properties may adversely affect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed project; and specific recommendations for modifications to the grading plans, corrective grading and/or special techniques and systems to facilitate a safe and stable development. The engineering geology report shall also provide other recommendations as necessary for the project grading and development. The engineering geology report may be combined with the soil engineering report.

D. **Seismicity Report.**

1. **Applicability.** Grading Permit applications for sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults are required to submit a seismicity report, including earthquake fault and liquefaction hazard studies, in accordance with the requirements of the Alquist-Priolo Earthquake Fault Zoning Act and the Seismic Hazard Mapping Act. The City Engineer/Public Works Director may require a seismicity report for any Grading Permit application associated with any residential, commercial, industrial or similar development project. A seismicity report shall be required as a condition of development for all essential facilities, as defined in the California Building Code, or as determined by the City Engineer/Public Works Director, Building Official or Community Development Director. Where required, the report shall be reviewed and approved prior to issuance of a Grading Permit.
2. **Content.** The report shall be prepared by an engineering geologist, a geophysicist or a civil engineer with expertise in earthquake technology and its application to buildings or other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the latest available and accepted technological recommendations related to seismicity. The minimum acceptable pseudo-static slope stability factor of safety shall be 1.1 and the minimum acceptable surficial stability factor of safety shall be 1.5. The seismicity report may be combined with the soil and engineering geology reports.
3. **Submit Approved Report.** A copy of each approved geotechnical report including the mitigation measures is required to be submitted to the Seismic Hazard Mapping Program of the California



Department of Conservation, California Geological Survey within 30 days of approval of the report pursuant to the Seismic Hazard Mapping Act and Alquist-Priolo Act.

### 8.26.080 Fees

- A. **Plan-Checking Fee.** Before accepting any grading plans, Erosion Control Plan or geotechnical reports for review and approval, the City Engineer/Public Works Director shall collect a plan-checking fee for each type of review and approval. As applicable, separate Grading Permits shall be issued, and separate fees shall apply to retaining walls or major drainage structures. The amount and application of the plan-checking fee shall be established by ordinance or resolution of the City Council.
- B. **Grading Permit Fee.** Before issuing a Grading Permit, the City Engineer/Public Works Director shall collect a Grading Permit fee. The amount of the Grading Permit fee shall be established by ordinance or resolution of the City Council.
- C. **Grading Inspection Fee.** Before commencing grading work, the City Engineer/Public Works Director shall collect a grading inspection fee. The amount of inspection fee shall be established by ordinance or resolution of the City Council.

### 8.26.090 Issuance of Grading Permit

- A. **Other Approvals Required Before Issuance.** No Grading Permit for any development project requiring the approval of the Planning Commission, City Council or City staff shall be issued until the development project has been approved, and such approval includes approval of a grading concept. All discretionary approvals required by the code for the development project with which the Grading Permit application is associated must be obtained prior to issuance of the Grading Permit. All approvals required for the development project or the grading work by other City departments or outside agencies shall be the responsibility of and obtained by the applicant prior to issuance of the Grading Permit.
- B. **Environmentally Sensitive Areas.** No Grading Permit for any work within 100 feet of an environmentally sensitive area shall be issued unless approved by the City Engineer/Public Works Director in conformance with the project-approved environmental permit.
- C. **Grading Security.** No Grading Permit shall be issued unless and until the applicant posts the applicable security required under Section 8.26.120 (Security).
- D. **Terms of Grading Permit.** The Grading Permit shall contain such terms, conditions and restrictions as are necessary to implement the applicable provisions of this chapter and the code and state or federal law applicable to the work to ensure the work is performed in accordance with the approved plans and geotechnical reports and to protect the public health, safety and welfare.
- E. **Responsibility of Permittee.** It shall be the responsibility of the permittee to be knowledgeable of and comply with the conditions and/or restrictions of the Grading Permit as outlined in applicable provisions of this chapter and as contained on the approved plans and in the approved geotechnical report(s). It shall also be the responsibility of the permittee to be knowledgeable of the obvious and

accessible location on the site and maintain an on-site copy of the approved plans bearing the stamp or signature of approval by the City Engineer/Public Works Director.

### 8.26.100 Denial of Grading Permit

- A. **Generally.** The Grading Permit shall be denied if the proposed work cannot be designed or performed in accordance with this chapter and any other applicable ordinances, rules, regulations or conditions.
- B. **Creation of Hazard.** The Grading Permit shall be denied if the proposed work may constitute a hazard to property, result in debris being deposited on any public street or public way, result in severely impacting the quality of downstream receiving waters of the United States, or interfere with any existing drainage course. If it can be shown to the satisfaction of the City Engineer/Public Works Director that the hazard can be sufficiently mitigated by the construction of retaining structures, buttress fills, drainage devices, water quality controls or devices, or by other means, the City Engineer/Public Works Director may issue a Grading Permit with the condition that such mitigation measures be performed.
- C. **Geologic or Flood Hazard.** The Grading Permit shall be denied if the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property.

### 8.26.110 Permit Expiration, Renewal and Suspension

- A. **Issuance and Completion of Work.** Every Grading Permit shall be valid for a period of 1 year from the date of issuance. The City Engineer/Public Works Director may extend the one-year time period for up to 3 successive periods of 180 days each, upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the grading.
- B. **Suspension of Construction or Abandonment of Work.** Every Grading Permit shall expire by limitation and become null and void if the work authorized by the Grading Permit is not commenced within 180 days or six months from the original date of issuance. Every Grading Permit shall expire if the work authorized by such permit is suspended for a continuous period of 180 days or six months or if the site is abandoned at any time after work has commenced.
- C. **Renewal.** If a Grading Permit expires, upon written request and justification from the permittee within 30 days of the expiration, the City Engineer/Public Works Director may renew the Grading Permit provided that the total elapsed time has not exceeded the time limits allowed for a Grading Permit under Subsection 8.26.110.A (Issuance and Completion of Work).
- D. **Changed Conditions.** The City Engineer/Public Works Director may order the suspension of any work authorized by a Grading Permit upon determination that the weather, soil, slope or general site conditions may cause serious accelerated erosion or sediment damage either on-site or downstream from the site. Any suspension of work ordered by the City Engineer/Public Works Director shall toll the time limits applicable to the Grading Permit.
- E. **Change of Ownership.** Grading Permits shall automatically be suspended upon a change of ownership, until such time as the new owner obtains a new permit with the revised ownership

information or until such time as the applicant provides new ownership information and a letter of consent and security for the grading operations from the new owner. There shall be no additional fee for the Grading Permit issued to the new owner, provided that no changes to the approved plans are requested that generate additional staff work.

### 8.26.120 Security

- A. Requirement for Security.** Prior to issuance of a Grading Permit, the security required by this section shall be posted with the City. The security shall guarantee, and the City shall have the right to draw upon such security to satisfy, the following:
1. Compliance with all applicable provisions of this chapter and the code, state and federal law and other applicable ordinances, rules and regulations of the City.
  2. Compliance with any and all terms and conditions of the Grading Permit and all approved plans.
  3. Completion of the work authorized under the Grading Permit and the erosion control system(s) to the satisfaction of the City Engineer/Public Works Director and in accordance with the approved plans.
  4. Completion of all emergency and routine maintenance and repair of the erosion control system(s) to ensure the continuous integrity of the system(s) to the satisfaction of the City Engineer/Public Works Director and as may otherwise be required by this chapter.
  5. Restoration and repair of public streets or other public property adversely impacted or damaged or the mitigation of any hazardous condition created by any activity of the permittee or agent of the permittee or any erosion from any site associated with the grading work.
- B. Amount and Form of Security.** The amount of the security shall be equal to 50% of the total estimated cost of the work authorized by the Grading Permit, plus 100% of the total estimated cost of the erosion control system(s) required by the Erosion Control Plan. The permittee's estimate of the cost shall be based on the established unit costs available from the City and shall be subject to the review and approval by the City Engineer/Public Works Director. At least 25 percent of the required erosion control security, and not less than \$5000, shall be in cash and shall be deposited with the City Engineer/Public Works Director. Please see the City's website for more information. The remainder of the erosion control security shall be subject to the approval of the City Engineer/Public Works Director. The form of security can be one or more of the following:
1. Cash deposit.
  2. Surety bond.
  3. Certificate of deposit.
  4. Letter of credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government.

- C. **Failure to Maintain Security.** If a permittee fails to maintain the security required by this section, the City Engineer/Public Works Director may revoke the permittee's Grading Permit without prior notice to the permittee. Any such revocation shall be in writing.
- D. **Replenishment of Cash Deposit.** The City Engineer/Public Works Director shall notify the permittee of any withdrawal from the permittee's cash deposit. If the costs exceed the balance of the permittee's funds on deposit, the City Engineer/Public Works Director shall cause an invoice to be sent to the permittee demanding payment of the amount by which the costs exceed the permittee's deposit. The permittee shall, within 10 days of receipt of such invoice, deposit with the City Engineer/Public Works Director that amount of cash necessary to bring the permittee's deposit up to its original balance. If the permittee fails to pay such amount in full within 30 days from the date of the invoice, the permittee's Grading Permit shall be automatically revoked. Renewal of the Grading Permit shall not be completed until the invoice is paid in full. No final grading inspection shall be completed until the permittee has fully satisfied all monetary obligations to the City imposed pursuant to this Subsection 8.26.120.D (Replenishment of Cash Deposit). Additionally, no further construction permits, including but not limited to Building Permits or Occupancy Permits, shall be issued until such monetary obligations are fully satisfied.
- E. **Release of Security.**
1. Upon completion of the project as determined by the City Engineer/Public Works Director, the City Engineer/Public Works Director may release 90% of the security posted to guarantee erosion control system(s). The remaining 10% may be held for 1 year as a warranty for the post-construction landscaping, stabilization, and erosion control measures, or until a Notice of Termination is issued by the RWQCB. The City Engineer/Public Works Director may reduce the security for areas of the project that are substantially completed with permanent landscape and where erosion control is not needed.
  2. Security posted to guarantee all work authorized under the Grading Permit, other than the erosion control system(s), shall be released upon inspection and approval of the work by the City Engineer/Public Works Director, except where the work is performed in conjunction with a subdivision or parcel map approval, in which case the security shall be released upon receipt of the warranty surety and acceptance of the final subdivision or parcel map by the City Council.
  3. The City Engineer/Public Works Director shall not release a permittee's security if the permittee has an outstanding monetary obligation to the City or if cleanup or repair of public streets or other public property for which the permittee is responsible has not been completed to the satisfaction of the City Engineer/Public Works Director.
  4. The City Engineer/Public Works Director may require the security posted for permittee's erosion control system(s) to remain on deposit with the city throughout the grading of the project and not be released until completion of the landscaping improvements for the associated development project if the City Engineer/Public Works Director determines that due to the nature, configuration or location of the development project it is in the best interest of the city to retain the erosion control security until the landscaping improvements are complete.

### **8.26.130 Time of Grading Work**

Grading and equipment operations shall only be conducted between the hours of 6:30 a.m. and 7:00 p.m. Monday through Saturday, excluding nationally recognized holidays, or as specified in Section 8.01.010. There shall be no construction permitted on Sundays and nationally recognized holidays unless approval is obtained from the City Building Official or City Engineer/Public Works Director. Construction equipment including diesel trucks shall not be running idle before or after this time. Grading work or equipment operations may be permitted before or after the allowable hours of operation if the City Engineer/Public Works Director determines that such operations are not detrimental to the health, safety or welfare of residents or the general public. Permitted hours of operations may be shortened if the City Engineer/Public Works Director determines that the grading work or equipment operations have an adverse effect on the health, safety or welfare of the surrounding community.

### **8.26.140 Import and Export of Earth Material**

Where any earth material for a project site is transported over public roadways to or from the project site as part of the grading work, all of the following requirements shall apply:

- A. Either water or dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth to or from the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way, used for transporting materials, in a condition free of dust, earth or debris attributed to the grading work.
- B. Loading and transporting of earth materials to or from the site must be accomplished within the times set forth in Section 8.26.130 (Time of Grading Work).
- C. Access roads to the site shall be only at points designated on the approved plans.
- D. At a minimum, the first 50 feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed 5%. There must be a 300-foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the 5% grade or 300-foot sight distance requirements cannot be obtained due to site constraints, then flagmen shall be posted at the access road and shall remain for the entire duration of material transportation operations.
- E. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.
- F. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the City Engineer/Public Works Director and shall be posted on the public roadway in the vicinity of the access intersection as required by the current California Manual on Uniform Traffic Control Devices (MUTCD). The size, shape, color, number, spacing and other details of all such signs and devices shall conform to the standards contained therein and in the current State of California Department of Transportation (Caltrans) "Traffic Manual." The advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.



- G. Site operators must install BMPs at the vehicle access points to prevent dirt and debris track-out onto public right of way. BMPs include, but are not limited to, stabilized construction entrances, tire washes, and rumble plates/shaker racks.

### **8.26.150 Haul Routes for Earth Material**

- A. The City Engineer/Public Works Director may specify the route for moving any earth materials over public streets, whether or not the destination site or origination site of the earth materials is subject to a Grading Permit. The City Engineer/Public Works Director may further specify load limits where, in his or her opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any specified route or load limit shall be made in writing and a copy shall be provided to the Engineering Department. Deviation from the designated route or load limits shall constitute a violation of this chapter.
- B. The holder of a haul route permit permittee shall be responsible for maintaining public rights-of-way used for hauling purposes in a condition free from dust, earth material or debris that is discharged or released during the attributed to the hauling grading operation.
- C. Any person moving earth materials in violation of this chapter shall be financially responsible for any damage to the public streets and shall pay to the City the cost, as determined by the City Engineer/Public Works Director, of repairing such damage or shall repair the damage to the satisfaction of the City Engineer/Public Works Director.
- D. At least 24 hours before moving the earth materials is to commence, the applicant shall notify the City of Menifee Engineering Department.

### **8.26.160 Earth Materials on Public Streets**

- A. Vehicle Code Section 23112(b) forbids the placing, dumping or depositing of earth materials on public streets or any portion of the public right-of-way. All vehicles engaged in moving earth materials shall refrain from depositing earth materials on public streets by any means including, but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of a vehicle. The City Engineer/Public Works Director may require a cash deposit from any person moving earth materials over public streets to insure the cleanup of public streets.
- B. Any person moving earth materials over public streets shall be responsible for the immediate and complete removal of any materials spilled, dumped or deposited on a public street. If the person fails to immediately remove such spillage, dumping or deposited material, and it is necessary for the City to complete the removal, the responsible party, permittee or property owner from where the material was removed from or deposited to shall be liable to the City for the cost of such removal work. A cash deposit may be required to insure the cleanup of public streets prior to approval of the haul route.

### **8.26.170 Dust Control**

Any person conducting any grading work or moving any earth material shall be responsible for controlling the dust from such activities at all times. The property owner, grading contractor and permittee shall all be responsible for implementing any and all best management practices (BMPs) for

all grading and earth-moving operations in accordance with all conditions of project approval and the National Pollutant Discharge Elimination System (NPDES) and as required by South Coast Air Quality Management District (SCAQMD).

### **8.26.180 Cuts**

- A. Cut slopes shall be no steeper than a 2 to 1 (2:1) horizontal to vertical ratio. In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer/Public Works Director, slopes may be constructed to a maximum 1 and one-half to 1 (1.5:1) horizontal to vertical ratio. The City Engineer/Public Works Director may require additional slope stability report to support City approval of a steeper slope. In no case shall slopes steeper than a 2:1 slope ratio be approved if a 2:1 slope ratio or flatter is required as a condition of approval for the development project with which the slope is associated.
- B. A slope stability analysis shall be included in all soil engineering reports for all slopes steeper than a 2:1 slope ratio and for all slopes exceeding 20 feet in height regardless of the slope ratio. The soil engineer shall consider slope stability (both gross and surficial stability) and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial slope stability.

### **8.26.190 Fills**

#### **A. Fill Slopes.**

- 1. Fill slopes shall not be constructed steeper than a 2 to 1 (2:1) horizontal to vertical ratio, or where the base (toe) of the fill slope would be within 12 feet horizontally of the top of a cut slope, unless evidence is submitted by the soil engineer or the engineering geologist which indicates the stability of the slope is adequate and the proposed slope is approved by the City Engineer/Public Works Director.
- 2. In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer/Public Works Director, slopes may be constructed steeper than a 2:1 slope ratio.
- 3. In no case shall slopes steeper than a 2:1 slope ratio be approved if a 2:1 slope ratio or flatter is required as a condition of approval for the development project with which the slope is associated.
- 4. A slope stability analysis shall be included in all soil engineering reports for all slopes steeper than a 2:1 slope ratio and for all slopes exceeding 20 feet in height regardless of the slope ratio. The soil engineer shall consider slope stability (both gross and surficial stability) and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial slope stability.

#### **B. Preparation of Ground.**

1. No fill shall be placed on existing ground until the ground has been cleared of weeds, debris, topsoil, undocumented fill, and other deleterious material, and removed from the site
  2. The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials and by scarifying to provide a bond with the new fill. Where existing slopes exceed 5 feet in height and/or are steeper than a 5:1 horizontal to vertical ratio, the ground shall be prepared by benching into sound bedrock or other competent or formational material, as determined by the soil engineer and approved by the City Engineer/Public Works Director. The lowermost bench beneath the toe of a fill slope shall be a minimum of 10 feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff or an appropriate drainage system shall be provided. French drains may also be required at the toe of fill slopes if determined necessary by the City Engineer/Public Works Director.
  3. Where fill is to be placed over a cut slope, the bench under the toe of the fill shall meet the approval of the soil engineer or the engineering geologist as suitable foundation for the fill. Unsuitable soil is soil that is not dense, firm or unyielding, that is highly fractured, or that has a high organic content; and in the opinion of the soil engineer or the engineering geologist, is not competent to support other soil or fill, support structures, or satisfactorily perform the other functions for which the soil is intended.
- C. **Fill Material.** Fill material shall only be placed as determined by a geotechnical or soil engineer. Only soils material free from tree stumps, organic matter, trash, garbage, sod, peat and other deleterious materials shall be permitted. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than 6 inches shall be buried or placed in fills. The City Engineer/Public Works Director may permit the placement of larger rock in fill when the soil engineer properly devises a method of placement, continuously inspects placement and approves the fill stability and competency.
- D. **Compaction.** All fills shall be compacted to a minimum of 90% of the maximum density as determined by ASTM D1557, unless otherwise required by the City Engineer/Public Works Director. Sufficient maximum density determinations by test method ASTM D1557 shall be performed during the grading work to verify that the maximum density curves used are representative of the material placed throughout the fill. Field density tests shall be performed in accordance with ASTM D1556, or equivalent, as approved by the City Engineer/Public Works Director. At least 25% of the total tests shall be by ASTM D1557 to verify the accuracy of the equivalent method. All such tests shall be uniformly distributed within the fill area and/or fill slope surface area in order to obtain representative results. The location of the field density tests shall be determined by the soil engineer or the testing agency but shall be sufficient in both horizontal and vertical placement to provide a representative testing of all fill placed. Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative sampling. At least 20% of the field density tests performed during grading shall be located within 3 feet of the final slope location, and at least 1 density test shall be taken in the outer 12 inches of the finished slope face for every 5,000 square feet of slope area.
- E. **Buttress/Stabilization Fills.** Recommendations for buttress/stabilization fills by the soil engineer shall be included in the soil engineering report and shall set forth the soil or geologic factors necessitating

the buttress/stabilization fill; stability calculations based on both static and pseudo-static conditions (analysis of pseudo-static loads are not normally needed when the bedding planes are flatter than 12 degrees from horizontal); laboratory test data upon which the calculations are based; a copy of the approved grading plans showing the location of the buttress/stabilization fill; a scaled section of the buttress/stabilization fill; and recommendations with details of sub-drain requirements.

**F. Utility Line Backfill.**

1. Backfill for utility line trenches in the public right-of-way, including, but not limited to, water, sewer, gas, electrical, telephone and cable television utility line trenches shall be compacted to meet current applicable City standards for utility trenches. Backfill for on-site utility line trenches that affect the stability of foundations or other structures and are located in parking lots or areas used by the general public or are in sloping surfaces steeper than a 10 to 1 (10:1) horizontal to vertical ratio and which utilize on-site material as backfill shall be compacted and tested in accordance with this section. Alternate materials and methods for utility line trench backfill may be used provided that the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer/Public Works Director prior to backfilling.
2. Utility line trench backfill for on-site areas other than those stated above do not need specific placement method or compaction criteria but shall be sufficiently compacted to preclude differential settlement. In no case shall this subsection be construed to mean utility line trench backfill within any public rights-of-way.
3. The final utility line trench backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use and that all tested areas meet the compaction requirements set forth in this section.

### 8.26.200 Hazardous Conditions

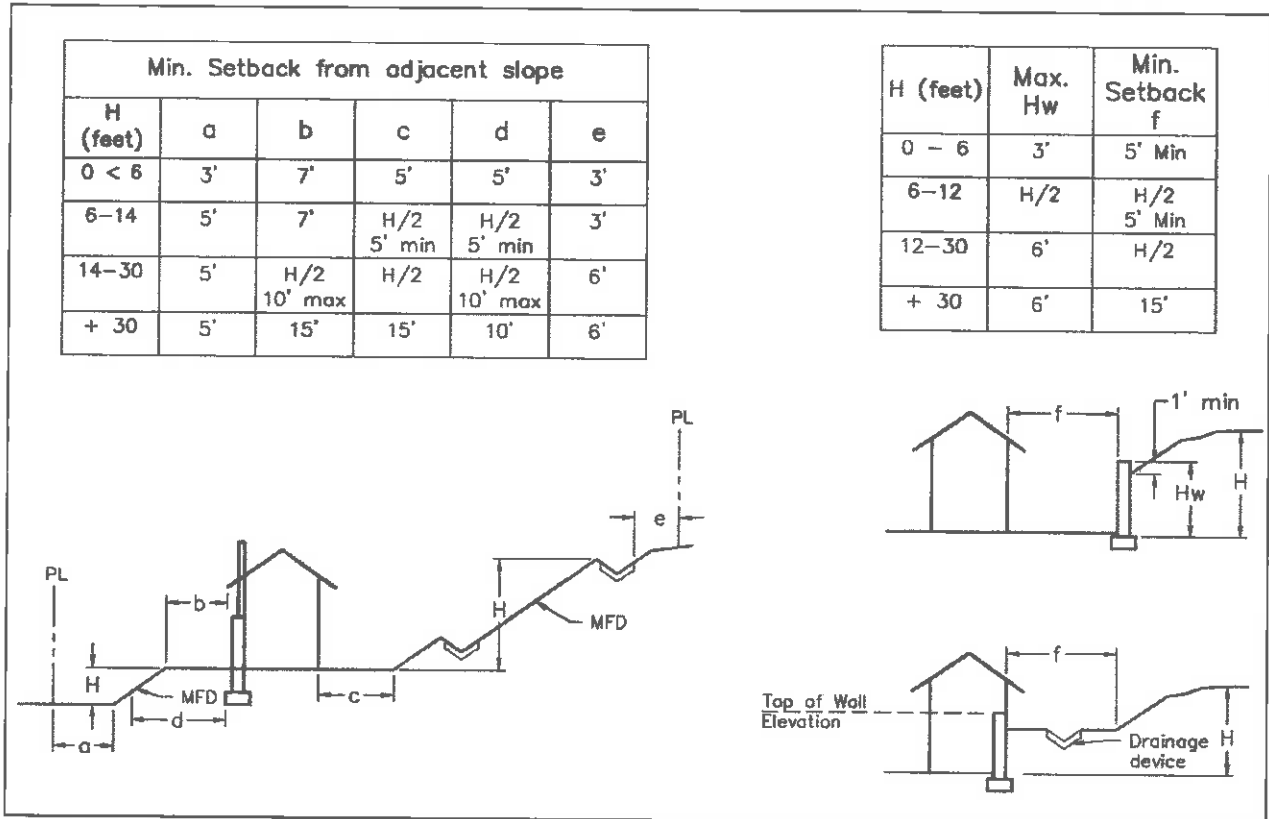
- A. **Hazardous Condition.** A hazardous condition exists when any earth material, natural slope, excavation, fill or drainage device is situated on private property in such a manner that creates a risk of injury to persons or property, creates a danger to public safety or endangers the safety, usability or stability of adjacent property, structures or public facilities. The maintenance of any hazardous condition shall constitute a public nuisance.
- B. **Enforcement Agent.** The City Engineer/Public Works Director, or any official authorized to enforce this code, may examine, or cause to be examined, every reported or alleged hazardous condition.
- C. **Notification.** Upon determining the existence of a hazardous condition, the City Engineer/Public Works Director or other official authorized to enforce this code shall provide written notification to the property owner describing the hazardous condition and requiring mitigation of the hazardous condition within a reasonable time given the risks created by the hazardous condition. The property owner shall comply with the mitigation requirements set forth in the notice. In the event that the required mitigation is not completed within the period specified in the notice, the City may exercise any available legal remedy to correct the hazardous condition.

### 8.26.210 Setbacks

- A. General.** The setbacks and other restrictions specified by this section are minimums and may be increased by the City Engineer/Public Works Director or Building Official or by the recommendation of the civil engineer, the soil engineer or the engineering geologist as approved by the City Engineer/Public Works Director, if necessary, for safety and stability, to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer/Public Works Director. All setbacks required by this section shall comply with all applicable zoning requirements. If the zoning setback requirements exceed the setback requirements in this section, the zoning setbacks shall govern.
- B. Design Standards for Setbacks.**
1. The tops and toes of slopes shall be set back from the outer boundaries of the Grading Permit area, including easements, in accordance with Figures A and B of this section.
  2. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figure 8.26.210-1 Minimum Setbacks from Adjacent Slopes of this section.
  3. A usable side yard of at least 5 feet from any building wall shall be provided to the top or toe of a slope unless waived by the City Engineer/Public Works Director.
  4. Lot lines shall be located at the top of slopes whenever possible.



**Figure 8.26.210-1 Minimum Setbacks from Adjacent Slopes**



Legend: "PL" means property line. "PB" means permit boundary. "MS" means manufactured surface. "Hw" is the height of the retaining wall measured from the top of the footing to the top of the wall.

Notes:

1. Table A-1 applies to manufactured slopes and 2:1 (or steeper) natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the City Engineer/Public Works Director.
2. "b" may be reduced to a five-foot minimum if an approved drainage device is used; roof gutters and downspouts may also be required.
3. "b" may be reduced to less than 5 feet if no drainage is conveyed on 1 side and if roof gutters are included.
4. If the slope between "a" and "b" is replaced by a retaining wall, "a" may be reduced to zero and "b" shall remain as shown in Table A-1. The height of the wall shall be governed by zoning regulations.
5. "b" shall be measured from the face of the structure to the top of the slope.
6. "d" is measured from the lower outside edge of the footing, along a horizontal line to the face (daylight) of the slope. Under certain circumstances, "d" may be reduced as recommended in a soils report and approved by the City Engineer/Public Works Engineer.
7. The use of a retaining wall to reduce setbacks must be approved by the City Engineer/Public Works Director.
8. In limited situations, "f" may be reduced to zero feet if allowed by the Planning Director and if the Building Official approves a combination structure/retaining wall after submittal and review of structural calculations from a registered civil engineer or structural engineer and after the City Engineer/Public Works Director approves any necessary drainage devices.
9. The maximum height of retaining walls for developer-initiated projects shall be 4 feet unless otherwise approved by the City Engineer and the Community Development Department. Wall heights greater than 6 feet may also be approved on a case-by-case basis as approved by the City Engineer/Public Works Director.

## 8.26.220 Drainage and Terracing

- A. **General.** Unless otherwise noted on the approved plans, drainage facilities and terracing of graded slopes shall conform to this section.
- B. **Terraces.**
1. Mid-slope terraces at least 6 feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes, except that where only 1 terrace is required, it shall be at mid-height. For cut or fill slopes greater than 60 feet and up to 90 feet in vertical height, 1 terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 90 feet in vertical height shall be designed by a professional engineer and approved by the City Engineer/Public Works Director. Suitable access shall be provided to permit proper cleaning and maintenance.
  2. Terrace drains shall have a minimum gradient of 2% unless waived by the City Engineer/Public Works Director. Terrace drains shall have a minimum depth at the deepest point of no less than 1 foot and a minimum paved width of at least 3 feet and shall be designed to accommodate all runoff created by the cut or fill slope as well as any tributary runoff which enters the terrace drain.
- C. **Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability and as recommended by the soil engineer or the engineering geologist.
- D. **Stormwater Discharge.** All drainage facilities shall be designed to carry stormwater runoff to the nearest practicable drainage way approved by the City Engineer/Public Works Director and any other appropriate jurisdiction as an acceptable and safe location to deposit such runoff. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains, energy dissipaters or other devices approved by the City Engineer/Public Works Director.
- E. **Interceptor Drains.** Concrete interceptor drains (brow ditches) shall be installed along the top of all cut slopes where the tributary drainage area above the cut slope drains toward the cut slope, unless waived by the City Engineer/Public Works Director. The slope gradient for the interceptor drain shall be the same as for terrace drains or as approved by the City Engineer/Public Works Director.
- F. **Stormwater Runoff.** Stormwater runoff shall not be allowed to flow over cut or fill slopes which are greater than a 5:1 vertical to horizontal ratio, but shall be provided for as follows:
1. Wherever practicable, each lot shall be graded so that stormwater will drain from the backyard through the side yard and front yard directly to the abutting street or toward approved drainage facilities at a gradient of not less than 1%. Wherever practicable, drainage shall not be directed across other lots or over cut or fill slopes. Cross lot drainage may be permitted provided approved by the City Engineer/Public Works Director and drainage easements are provided.
  2. When the provisions in the above subsection are not practicable, as determined by the City Engineer/Public Works Director, stormwater shall be collected along the top of slopes or at the rear of graded lots by means of paved gutters and/or French drains and carried to properly sized

outfall or area drains, which shall also serve as erosion control devices. Such drainage shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used for any drainage device. Down drain ditches shall be a minimum of 18 inches deep.

3. Where slopes are terraced at 30-foot intervals, drainage shall be provided in paved ditches a minimum of 36 inches wide and 12 inches deep. Construction of the ditches shall be as described below and shall be located on the terraces with 1 side of the ditch two feet from the toe of the slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer/Public Works Director may waive the drainage ditch requirements, if a satisfactory surety bond or other means to guarantee the improvement is posted with the City.
  4. Down drains, interceptor drains, and terrace drains shall be connected together to collect and transport all stormwater runoff entering the drains. They shall be of sufficient depth, as verified by hydraulic calculations, to allow for unimpeded flow when terraces are crossed. Down drains, interceptor drains, and terrace drains shall be constructed of Portland cement concrete or air blown mortar. They shall be reinforced with wire mesh and/or other appropriate concrete reinforcement as determined by the project engineer and approved by the City Engineer/Public Works Director. If pipe is used for down drains to transport runoff from terrace ditches, it shall be reinforced concrete pipe (RCP), plastic pipe (PVC) or other pipe material approved by the City Engineer/Public Works Director. Anchor lugs or collars may be required by the City Engineer/Public Works Director if the pipe slope is equal to or greater than a 2 to 1 (2:1) horizontal to vertical ratio. Pipe specifications shall be approved by the City Engineer/Public Works Director. Special design features shall be provided for abrupt changes in direction of terrace ditches and down drains.
  5. The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip-rap, box-type energy dissipaters or other materials approved by the City Engineer/Public Works Director.
- G. Maintenance of Drainage Facilities.** Where the continuous functioning of a drainage facility is essential to the protection and use of more than 1 lot within a development project site, a mutual and reciprocal covenant or deed restriction or easement shall be recorded by the owner(s) of the lots on which the drainage facility is located, imposing on each lot owner the responsibility for maintaining that specific portion of the drainage facility located on each lot owner's respective lot.
- H. Off-site Drainage Easements.** All easements necessary for the construction of permanent off-site drainage facilities shall be acquired by the permittee. The easements shall be subject to the approval of the City Engineer/Public Works Director and the City Attorney and recorded prior to the issuance of the Grading Permit.

### **8.26.240 Retaining Walls**

- A. Retaining walls constructed in connection with grading plans shall be constructed of reinforced concrete, reinforced masonry block, reinforced concrete block and geo-synthetic fabric or a combination of the aforementioned materials, and shall be approved by the City Engineer/Public**

Works Director. Retaining walls constructed in connection with grading plans shall be designed to resist all earth pressures acting upon them, including embankment or structure/vehicle surcharge loads. Retaining walls constructed in connection with grading plans shall be designed by a registered civil or structural engineer and submitted to the Engineering Department for review and approval prior to installation. All retaining walls shall be shown on the grading plans, and appropriate structural calculations shall be reviewed and approved by the City Engineer/Public Works Director. Sufficient top of wall and top of footing elevations shall be shown on the grading plans to determine the overall height of the retaining wall at various locations. The City Engineer/Public Works Director may require the preparation of retaining wall profiles as part of the grading plans showing top of wall and top of footing elevations, height of retaining wall at various locations, and existing ground grades. If designed by a structural engineer, the grading plans shall show the information of the Structural Engineer and shall bear the signature and professional license of the structural engineer.

- B. Retaining walls not constructed in connection with grading plans shall be designed by a registered civil engineer or structural engineer and shall be submitted to the Building Department with appropriate structural calculations for review and approval.

### 8.26.250 Expansive Soils

Whenever expansive soils are encountered within 4 feet of the finish grade of an area intended or designed as a location for a building, the foundations for buildings and structures shall be designed per the current Section 18 and 18A of the California Building Code unless recommendations for soil removal and stabilization are provided by the project geotechnical engineer.

### 8.26.260 Asphalt Paving

- A. **Requirements.** For the purpose of this section, asphalt concrete, aggregate base material, prime coat, tack coat and seal coat shall meet all current material specification standards, and design standards of the City for public road construction or receive the approval of the City Engineer/Public Works Director.
- B. **Subgrade Compaction.** Compaction of subgrade materials shall be in accordance with the requirements of Section 8.26.190 (Fills).
- C. **Soil Sterilization.** Unless otherwise approved by the City Engineer/Public Works Director, subgrade earth materials shall be sterilized to preclude plant growth.
- D. **Pavement Structural Section.** The soils engineer or the civil engineer shall determine the pavement structural section(s) for private parking areas, access lanes, driveways and private streets. The structural section(s) shall be based on:
  - 1. Soils tests of the subgrade soil(s) performed in accordance with the latest revision of California Test Method Number 302 and anticipated traffic and/or loading conditions.
  - 2. The design shall be determined by R-value testing in accordance with Caltrans Testing Methods with recommended safety factors.

- E. **Alternative Design Method.** In lieu of the recommended structural section from the soil engineer or the civil engineer, the following standards may be used for private parking areas, access lanes, driveways and private streets:

INDUSTRIAL AND COMMERCIAL DEVELOPMENTS	MINIMUM STRUCTURAL SECTION
Parking areas	.25' AC/.33' AB
Driveways and perimeter drives for industrial development	.25' AC/.83' AB
Driveways and perimeter drives for commercial development	.33' AC/.67' AB
HIGH DENSITY RESIDENTIAL	
Parking areas and access lanes	.25' AC/.33' AB
Drives and areas subject to heavy truck use	.33' AC/.67' AB
PRIVATE STREETS	
Structural roadway section for private streets	.33' AC/.50' AB

Notes:

1. AC means asphalt concrete pavement. AB means class II aggregate base material.

- F. **Dedicated Streets.** Minimum structural sections for dedicated City streets shall conform with current City standards and design guidelines
- G. **Exceptions.** The provisions of this section shall not apply to private asphalt concrete driveway(s) providing access to not more than 2 single-family residences, proposed in conjunction with a project for which a Grading Permit has been issued or to commercial, industrial or high-density residential developments where all pavement areas are constructed of Portland cement concrete pavement.

### 8.26.270 Erosion Control Systems

- A. **Design and Development Standards.** All erosion control systems required by the Erosion Control Plan shall be designed and developed in accordance with the following standards:
1. Erosion control systems shall be designed and developed in conformance with the Erosion Control Plan unless otherwise approved by the City Engineer/Public Works Director.
  2. All sediment shall be contained on-site. Runoff from disturbed areas shall be detained or filtered by berms, swales, ditches, filter strips or other means as necessary to prevent the escape of sediment from the site. Sediment control devices shall be installed prior to or concurrent with the initial grading work and shall be maintained throughout the development process.
  3. Erosion shall be prevented at locations where runoff is concentrated. Where runoff will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.
  4. Desilting facilities shall be provided at drainage outlets from the graded site.



5. Desilting basins shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow settling of suspended solids.
6. Desilting basins shall generally be located at the perimeter of development projects. Basins should be located where maintenance access is provided from paved roads during wet weather.
7. Desilting basins constructed from compacted earth shall be compacted to a relative compaction of 90% of maximum density. A soil engineering report including the type of field-testing performed and the location and results of testing shall be submitted to the City Engineer/Public Works Director for approval upon completing the desilting basin(s).
8. Equipment and workers for emergency work shall be available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices if needed.
9. Unless otherwise approved by the City Engineer/Public Works Director, erosion control systems shall include effective stabilization on all slopes in excess of 3 feet in height. Slopes exceeding 15 feet in height may require an adequate sprinkler system, as determined by the City Engineer/Public Works Director.
10. All slopes greater than 5 feet in height shall be permanently landscaped with the landscaping established prior to the beginning of the rainy season. If the permanent landscaping is not installed and sufficiently established prior to the start of the rainy season, the slope(s) shall be stabilized with BMPs approved by the City Engineer/Public Works Director.
11. All slope planting which is to be completed after September 15 will require jute matting or other acceptable turf matting or erosion control blankets prior to planting or hydroseeding.
12. All disturbed slopes shall be planted and protected within 7 days of the completion of each stage of grading. Suitable measures to prevent slope erosion, including but not limited to rapid growth vegetation sufficient to stabilize the soil, shall be installed on all disturbed areas until such time as the permanent vegetative cover sufficiently matures to provide permanent stability.
13. Erosion control systems shall include and complement drainage patterns during the current and future phases of grading throughout the rainy season.
14. Graded areas around the perimeter of the development project must drain away from the face of slopes at the conclusion of each working day.
15. If a development project includes grading or construction within 100 feet of any environmentally sensitive area, additional erosion control systems may be required within all disturbed areas in order to minimize the impacts to the environment. The erosion control systems shall be completed, inspected and operational no later than the start of the rainy season, generally begins in October. The additional erosion control measures may include, but are not limited to, installing protective materials and stabilizers along banks and within waterways and over all disturbed areas. The additional erosion control systems may also require a 24-hour on-site guard during storms and when there is a 50 percent or greater chance that the precipitation amount is

expected to exceed one-half inch in any 24-hour period. The precipitation forecast shall be as established by the National Weather Service.

16. If construction of an erosion control system outside of the boundaries of the development project is necessary, permission to construct such system from the affected property owner(s) shall be obtained. Erosion Control Plans for off-site erosion control systems shall be included with the on-site Erosion Control Plans submitted to the City Engineer/Public Works Director. The Erosion Control Plan for the off-site erosion control systems shall include permission to grade and maintain the erosion control systems from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.
17. The faces of cut and fill slopes and the project site shall be prepared and maintained to control erosion. Slope protection may be waived by the City Engineer/Public Works Director for cut slopes, which are not subject to erosion because of the erosion-resistant character of the materials.
18. Water quality and erosion control devices and improvements designed for the post development WQMP that are constructed in accordance with the grading plans shall be protected and maintained for post development phases of the project or revised and approved after final construction.

**B. Construction and Installation of Erosion Control Systems.** All erosion control systems required by the Erosion Control Plan shall be constructed and installed in accordance with the following:

1. Erosion control systems shall be constructed and installed in conformance with the Erosion Control Plan unless otherwise approved by the City Engineer/Public Works Director.
2. The construction and installation of all erosion control systems shall be approved by the City Engineer/Public Works Director and approved and certified by the civil engineer. All erosion control system(s) shall be constructed, installed, approved and certified as complete and functional by the City Engineer/Public Works Director no later than the start of the rainy season or as determined by the City Engineer/Public Works Director.
3. All erosion control systems shall remain in place at all times for all areas in when construction is not occurring.
4. All erosion control systems shall remain in place until the site is fully stabilized.
5. All erosion control systems required to retain sediment on-site and to safely discharge any accelerated runoff generated by the associated development project shall be installed during the initial construction phase of the development project.
6. All removable protective devices shall be in place at the end of each working day.

**C. Maintenance of Erosion Control Systems.** All erosion control systems required by the Erosion Control Plan shall be maintained in accordance with the following:

1. Erosion control systems shall be maintained in conformance with the Erosion Control Plan unless otherwise revised by the City Engineer/Public Works Director. The project site's SWPPPs shall be

constantly updated to reflect the current erosion control plans and/or BMP devices approved for the site.

2. The performance of all erosion control systems shall be evaluated by the City Engineer/Public Works Director and revised and replaced as ordered.
3. Erosion control systems shall be serviced and maintained to provide continuous capacity and to adequately function as designed. After precipitation exceeding one-quarter inch in any 12-hour period, or upon direction of the City Engineer/Public Works Director, silt and debris shall be removed from check dams and desilting basins and the basins pumped dry and otherwise restored to the original design condition.
4. The grading contractor, permittee and property owner shall be responsible for and shall take all necessary precautions to prevent public trespass into areas where impounded water creates a hazardous condition. Necessary precautions may include, but are not limited to, appropriate perimeter fencing or a 24-hour guard.
5. Any sprinkler system controlled by timers and used with an erosion control system shall be inspected every 30 days to ensure proper functioning of the timer device.
6. Paved streets, sidewalks and other improvements shall be maintained in a neat and clean condition, free of loose soil, construction debris and trash. Street sweeping or other equally effective means shall be used on a regular basis to control erosion that has been deposited on streets or sidewalks. Watering shall not be used to clean streets except for the removal of fine material not otherwise removed by sweeping or other mechanical means.

**D. Failure of Erosion Control System.** The grading contractor, permittee or property owner shall be responsible for construction, installation, inspection, modification and proper maintenance of all erosion control systems. If the grading contractor, permittee or property owner fails or refuses to properly construct, install or maintain an erosion control system, the City Engineer/Public Works Director may order emergency maintenance work to be done in order to protect public or private property or to protect the public health, safety and welfare. The cost of such emergency work, including initial mobilization, performance of the work and applicable administrative costs, shall be charged to the permittee or the property owner or the cash security for the erosion control shall be utilized pursuant to the procedures set forth in this chapter. The City Engineer/Public Works Director may also suspend or revoke the Grading Permit as provided in this chapter. The Grading Permit shall not be reinstated or renewed until all required erosion control system(s) have been properly constructed, installed and maintained as approved by the City Engineer/Public Works Director.

### **8.26.280 National Pollution Discharge Elimination System (NPDES)**

**A.** All development projects requesting a Grading Permit that disturb one or more acres of soil, or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit State Water Resources Control Board (SWRCB) Order 2009-0009-DWQ or any amendment, update, or more recent Construction General Permit. The RWQCB may require compliance with individual permits it has

issued under the NPDES program. The general permit and individual permits typically require an applicant to file a notice of intention (NOI), prepare a Storm Water Pollution Prevention Plan (SWPPP) and implement a monitoring program.

- B. Prior to issuance of a Grading Permit, each applicant shall provide evidence of compliance with the appropriate stormwater standards, and, if applicable, a copy of the required NPDES permit to the City Engineer/Public Works Director. Such information shall be maintained on-site during construction and shall be presented upon demand by the SWRCB, the RWQCB, the City or any member of the public.

### 8.26.290 Grading Inspection

- A. **Pre-grading, Pre-paving and Pre-construction Meeting.** Prior to any grading or clearing, brushing and grubbing there shall be a pre-grading or pre-construction meeting held on the site, or at City Hall unless waived by the City Engineer/Public Works Director. Prior to placing concrete for curb and gutter, sidewalk, pavement base material or other similar improvements in the public right-of-way, there shall be a pre-paving meeting held on the site unless waived by the City Engineer/Public Works Director. The permittee shall notify the City Engineer/Public Works Director and request at least 5 working days (for pre-grading), and at least 3 working days (for pre-paving) prior to the meeting(s) and shall notify all principals responsible for grading or paving operations.
- B. **Pre-work Inspection.** Prior to the commencement of any work authorized by a Grading Permit, the City Engineer/Public Works Director may inspect the site of the work to determine that the approved plans are current and reflect existing conditions. If the City Engineer/Public Works Director finds the soil or other conditions do not reflect the conditions shown on the approved plans or stated in the geotechnical reports, the City Engineer/Public Works Director may issue a stop work order until revised grading plans or modified geotechnical reports that reflect the actual site conditions have been submitted and approved by the City Engineer/Public Works Director.
- C. **Site Inspections.** All work authorized under a Grading Permit shall be subject to the following inspections, where applicable, and the permittee shall provide notice to the City Engineer/Public Works Director at least 1 working day prior to the work being ready for the inspection.
  - 1. **Excavation and fill inspection.** All excavation and fill work shall be inspected as follows:
    - a. **Canyon clean out.** After all brush and unsuitable material is removed and an acceptable base is exposed, but before fill is placed.
    - b. **Toe bench and key.** After the natural ground or bedrock is exposed and prepared to receive fill, but before fill is placed.
    - c. **Over excavation.** After the area is excavated but before fill is placed.
    - d. **Excavation.** After the excavation is started, but before the vertical depth of the excavation exceeds 10 feet and every ten-foot interval thereafter.
    - e. **Fill.** After the fill is started, but before the vertical height of the fill exceeds 10 feet and every ten-foot interval thereafter.

2. **Concrete or gunite drainage device inspection.** All concrete or gunite drainage devices shall be inspected as follows:
  - a. **Alley gutter or concrete drainage device.** After the subgrade is prepared and any reinforcement placed, but prior to concrete placement and then again during concrete placement.
  - b. **Terrace drains, down drains, brow ditches.** After grade is established, but before placement of welded wire mesh or reinforcement and then again during placement of concrete or gunite.
3. **Other drainage devices.** Any subdrains, City storm drain or inlets or any earth swales shall be inspected as follows:
  - a. **Subdrains.** After excavation but prior to placement of filter materials and pipe. The subdrain pipe and filter material shall be on-site for inspection. Inspection shall also occur after placement of pipe and filter material but before backfilling.
  - b. **City storm drains and inlets.** After installation of form work and placement of reinforcement, but before concrete placement and then again during placement of concrete and removal of form work, but prior to backfilling. Inspection shall also occur after backfilling and completion of storm drain.
  - c. **Earth swales.** Prior to rough grading approval and then again prior to final grading approval.
4. **Siltation control facilities.** All siltation control facilities shall be inspected as follows:
  - a. After excavation of desilting basins but prior to fill placement. Prefabricated drainage devices shall be available on-site for inspection.
  - b. After fill placement of desiltation basins but prior to placement of concrete or other non-erosive materials (if applicable).
  - c. After completion of an erosion control system in accordance with the approved Erosion Control Plan and any requirements of the City Engineer/Public Works Director.
5. **Rough grade inspection.** All rough grading work shall be inspected when all rough grading is complete. Inspection shall occur after the City Engineer/Public Works Director has received, reviewed and approved the required geotechnical certification(s) and/or compaction reports and the civil engineer has submitted approval of line and grade on a City-approved format. Under normal circumstances, all subdrains and slope drains, if required, shall be in place and approved as a condition of rough grading inspection.
6. **Paving inspection.** All paving work shall be inspected as follows:
  - a. **Subgrade.** After subgrade is established, tested and approved by the soil engineer. The soil engineer may leave a field memo of compaction test results on-site. The civil engineer shall provide approval of line and grade. The subgrade must then pass a yield test performed by a full water truck prior to placing the base.



- b. **Base.** After base course is in place, tested and approved by the soils engineer and City inspector, but prior to prime coat and asphalt placement. The soils engineer may leave a field memo of compaction test results on-site. Material invoices or weight tickets shall be required.
  - c. **Asphalt concrete.** During asphalt placement to verify compliance with the approved plans. Material invoices or weight tickets shall be required. Proper equipment shall also be used, in accordance with the contract specifications. Prior to application of seal coat, the paved surface shall be water tested to reveal any irregularities and shall be patched where required.
7. **Special inspections.** For special cases involving grading or paving related operations, the City Engineer/Public Works Director may establish special inspection requirements in accordance with the California Building Code, as amended. Special cases may apply to work where, in the opinion of the City Engineer/Public Works Director, it is necessary to supplement the resources or expertise available for inspection.
  8. **Final inspection.** All work shall undergo final inspection when all work, including the installation of all drainage structures and other protective devices, is complete and all written professional approvals and the required reports are submitted.

**D. Enforcement of Inspections.**

1. Whenever any work for which inspection is required is covered or concealed by additional work without first being inspected, the work is subject to rejection by the Public Works Inspector and approved by the City Engineer/Public Works Director. The City Engineer/Public Works Director may require, that all the work be exposed for examination in the presence of the Public Works Inspector or the City Engineer/Public Works Director's designee. Any cost for exposing, necessary removal, re-working and recovering such non-inspected work shall be at the permittee's sole cost and expense.
2. The provisions of the California Building Code, Section 114, Stop Work Orders, shall apply, whenever the City Engineer/Public Works Director determines that any work does not comply with the terms of the Grading Permit, the approved plans, any applicable provisions of this chapter or the code or state or federal law or that the soil or other conditions are not as stated on the Grading Permit, approved plans or geotechnical reports. Pursuant to such authority, the City Engineer/Public Works Director may order the work stopped by notice in writing served to any person(s) engaged in doing or causing of such work to be done, and any such person(s) shall immediately stop such work until authorized by the City Engineer/Public Works Director to proceed with the work.

**E. Inspections by Professionals of Record.**

1. The soil engineer shall be responsible for the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finished slopes, design of buttress fills where required and incorporating data supplied by the engineering geologist.
2. The engineering geologist shall be responsible for the professional inspection and approval of the stability of cut slopes with respect to geological matters and the needs for subdrains or other

- groundwater drainage devices. The engineering geologist shall report all findings to the soil engineer for engineering analysis.
3. The structural engineer, if applicable, shall be responsible for the professional inspection and approval of non-standard retaining walls or retaining walls to be constructed in connection with the grading plans, all other structures designed under the structural engineer's supervision.
  4. When preliminary soil engineering reports are not required by the City Engineer/Public Works Director, inspection and testing may be required by a testing agency. The testing agency shall be responsible for the professional inspection and approval of cleared areas and benches to receive fill and the compaction of fills.
  5. The City Engineer/Public Works Director, or his or her designee, shall inspect the project at various stages of work requiring approval and at any more frequent intervals necessary to determine that adequate inspection and testing are being completed by the professional consultants and to ensure conformance with the approved plans.
- F. **Noncompliance; Notification; Corrective Measures.** If the civil engineer, the soil engineer, the engineering geologist, the structural engineer, the public works inspector, or the testing agency finds during any inspection conducted pursuant to this chapter that the work is not being completed in conformance with the Grading Permit, the approved plans, any applicable provisions of this chapter or the code, or state or federal law, the nonconformance shall be immediately reported in writing to the permittee, any contractor performing the work, the property owner and the City Engineer/Public Works Director. The civil engineer, the soil engineer, the engineering geologist, the structural engineer or the testing agency shall submit recommendations for corrective measures to the City Engineer/Public Works Director for review and approval. The City Engineer/Public Works Director may require additional or revised soil engineering reports or engineering geology reports for approval of the corrective measures.
- G. **Incorporation of Corrective Measures.** The civil engineer shall incorporate any corrective measures approved by the City Engineer/Public Works Director into the approved plans, and the changes shall automatically be deemed part of the Grading Plans and the Grading Permit. The civil engineer of record during construction shall be responsible for establishing line and grade for the grading and drainage improvements and shall act as the coordinating agent in the event the need arises for a liaison between the other professionals, the grading contractor and the City Engineer/Public Works Director. The civil engineer of record during construction shall also be responsible for preparing revised grading plans for review and approval, if required by the City Engineer/Public Works Director. Upon completion of the work, the submission of an as-built precise grading plan shall incorporate all corrective measures, changes and additions made during construction.

### 8.26.300 Change in Professional of Record

- A. If the civil engineer, the soil engineer, the engineering geologist, the structural engineer, the testing agency or the grading contractor of record is changed during the course of the work, the work may be stopped by the City Engineer/Public Works Director until:

1. The permittee submits a letter of notification to the City Engineer/Public Works Director verifying the change of the responsible professional, or the civil engineer who prepared the approved plans submits a letter indicating that he or she is not the engineer of record for construction of the project.
  2. The new responsible professional submits in writing that he or she has reviewed all prior reports and approved plans (specified by date and title) and work performed by the prior responsible professional and that he or she concurs with the findings, conclusions and recommendations and is satisfied with the work performed. The new responsible professional must also state that he or she assumes all responsibility within his or her purview as of the specified date.
- B. All exceptions to the requirements of this section must be justified to the satisfaction of the City Engineer/Public Works Director.
- C. Where clearly indicated that a corporation, partnership, limited liability partnership or limited liability corporation, not the individual engineer and/or geologist, is the responsible professional, the designated engineer and/or geologist may be reassigned and another engineer and/or geologist within the corporation, partnership, limited liability partnership or limited liability corporation may assume responsibility without the requirement for written notification to the City Engineer/Public Works Director.

### **8.26.310 Issuance of Building Permits**

- A. Building Permits may be issued for a site graded under an approved plan and valid Grading Permit upon completion, inspection, approval of precise grade and inspection as required by this chapter. Only Building Permits for construction of model homes may be issued prior to completion of rough grading for the site, provided that rough grading is completed and inspected for the model home sites.
- B. Building Permits shall not be issued for a site graded under a rough Grading Permit until a new precise grading plan is approved, a Grading Permit issued and the provisions noted above are satisfied.
- C. No building permit shall be issued unless and until all conditions of approval have been satisfied to the satisfaction of the approving authority.

### **8.26.320 Completion of Work**

- A. **Final Reports.** Upon completion of the rough grading work and at the final completion of all work authorized under the Grading Permit, but prior to the release of grading security or issuance of a certificate of occupancy, the City Engineer/Public Works Director shall require:
1. An as-built precise grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, elevations and locations of all surface and sub-surface drainage facilities, location with scaled sections of all buttress/stabilization fill, and location and depth of all areas of unsuitable soil.
  2. Written approval by the civil engineer that the grading conforms with the approved plans and that specifically identifies the following items as conforming with the approved plans:

- a. Construction of line and grade for all engineered drainage devices and retaining walls (both rough and final grading).
  - b. Staking of property corners for proper building locations (rough grading only).
  - c. Locations of permanent walls or structures on property corners or property lines where monumentation is not required (final grading only).
  - d. Location and inclination of all manufactured slopes (both rough and final grading).
  - e. Construction of earthen berms and positive building pad drainage (both rough and final grading).
3. A final soil engineering report (compaction report) prepared by the soil engineer, including the type of field testing performed, the stability of utility trench and retaining wall backfill, summaries of field and laboratory tests, and other substantiating data and comments on any changes made during grading and the effect of the same on recommendations and changes incorporated in the approved plans. Each field density test shall be identified, located on a plan or map, the elevation of the test and finish grade elevation shown and the method of obtaining the in-place density described (either ASTM 1556-78 or the approved equal shall be noted). The final soil engineering report shall provide written approval as to the adequacy of the site for the intended use, as affected by soil engineering factors, and a statement of compliance to finish grade.
  4. A final engineering geology report prepared by the engineering geologist, including a final description of the site's geology, including any new information discovered during the grading and the effect of the same on recommendations and changes incorporated in the approved plans. The engineering geologist shall provide written approval as to the adequacy of the site for the intended use as affected by geologic factors, a statement of compliance to finish grade, and, when required by the City Engineer/Public Works Director, shall submit an as-built geologic map.
  5. The City Engineer/Public Works Director may require a statement of compliance prepared by the grading contractor that all work was completed in accordance with the Grading Permit and approved plans.
- B. Notice of Completion.** The City Engineer/Public Works Director shall give final approval of the work and a notice of completion shall not be issued until all work, including installation of all drainage facilities and their protective devices and all erosion control measures, has been completed in accordance with the approved plans and undergone final inspection; the required final reports and statements of compliance have been submitted and approved by the City Engineer/Public Works Director; and all fees and costs incurred by the permittee have been paid or satisfied by the security.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.6

**HEARING DATE:** July 11, 2019

**CASE NUMBER:** ZAP1039RG19 - County of Riverside (Representatives: Robert Flores and Peter Hersh, Riverside County Planning Department)

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** CZ 190012 (Ordinance Amendment)

**MAJOR ISSUES:** The ordinance amendment would provide for employee housing as a “by-right” permitted land use within agricultural zones to comply with State law. This presents a concern in that agricultural zoning exists in close proximity to airports, where Compatibility Plan criteria may prohibit housing or restrict densities.

**RECOMMENDATIONS:**

Staff recommends that the Commission open the public hearing, consider testimony, and find the proposed ordinance amendment **CONSISTENT** with the 2004 Riverside County Airport Land Use Compatibility Plan and with all applicable individual Airport Land Use Compatibility Plans applicable to unincorporated areas, provided that proposals for employee housing in Airport Influence Areas are referred to ALUC staff for statements as to consistency or inconsistency with applicable Compatibility Plans prior to acceptance of building plans.

**PROJECT DESCRIPTION:**

The County of Riverside proposes to amend Ordinance No. 348 to comply with State law and implement the 2018 Eight-Year Action Plan Update included in the Riverside County General Plan’s Housing Element. Certification of the Housing Element by the State of California Department of Housing and Community Development was contingent in part upon adoption of these follow-up ordinance changes. This amendment would: (1) allow up to 12 units or spaces for use by a single family or household, or a group quarters with up to 36 beds, as a “by-right” permitted use on any lot zoned R-R, R-A, A-1, A-2, A-P, A-D, C-V, WC-W, WC-WE, WC-E, or WC-R; (2) amend the permitted uses and development standards of the R-7 and MU zones; (3) revise Section 18.18 regarding accessory structures; (4) change references to “second units” to “Accessory dwelling units,” amend the development standards for these units to comply with State law, and allow them as a “by-right” use, except in prohibited areas; (5) incorporate provisions and procedures to allow for density bonuses; (6) clarify that supportive and transitional housing is to be allowed on the same



basis as any other housing units; (7) define single-room occupancy units and allow them with a conditional use permit in the C-1/C-P and MU zones; and (8) add definitions of “accessory dwelling unit,” “employee housing,” “supportive housing,” and “transitional housing.”

## ANALYSIS:

### Employee Housing

Pursuant to State law, this amendment would add a definition of “employee housing” as including “housing accommodations provided by an employer for five or more employees that are maintained or connected with any work or place where work is performed” and “housing accommodations or property located in a rural area provided by someone other than an agricultural employer for five or more agricultural employees that are not maintained or connected with work or workplace.” The “housing accommodations” may consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance of way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other accommodations maintained in one or more buildings or one or more sites.”

The intent of the State law is to provide for adequate and safe housing for farm workers. However, the aspect of this proposed amendment that is of greatest concern to ALUC staff is the provision that would allow up to 12 units or spaces for use by a single family or household unit or a group quarters with up to 36 beds as a “by-right” permitted use on any lot zoned R-R, R-A, A-1, A-2, A-P, A-D, C-V, WC-W, WC-WE, WC-E, or WC-R. This provision is considered to be mandatory in that the California Government Code requires that such housing be treated like any other agricultural use, and these zones allow agricultural uses “by-right.” There is no concern with regard to the latter five zones, which are geographically concentrated in the Southwest Riverside County “Wine Country” located outside all Airport Influence Areas. However, the A-1, A-2, and R-A zones are found in close proximity to runways at all four of the County-owned airports in Compatibility Zones with density limitations.

The R-A zone applies to land within Compatibility Zones C and D of the Blythe Airport Influence Area and Compatibility Zone D of the Jacqueline Cochran Regional Airport Influence Area. The A-1 zone applies to land within Compatibility Zones A, B1, B2, C, and D of the French Valley Airport Influence Area (historically land in agricultural preserves), Compatibility Zones B1, C, and D of the Jacqueline Cochran Regional Airport Influence Area, Compatibility Zones C and D of the Blythe Airport Influence Area, and Compatibility Zone D of the Hemet-Ryan Airport Influence Area. The A-2 zone applies to land in Compatibility Zones C and D of the Hemet-Ryan Airport Influence Area and the Jacqueline Cochran Regional Airport Influence Area, and Compatibility Zone D of the Blythe Airport Influence Area.

The R-R, A-1, and R-A zones also apply to most of the residential areas of Mead Valley within Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area.

ALUC staff and Planning Department representatives have met with County Counsel to discuss this matter. At this time, the potential mitigation consists of amending the County's building permit application to include questions to be answered by Land Use staff as to whether the application is for employee housing and whether the project is located in an Airport Influence Area. If the answer to both questions is "yes," the potential applicant would be referred to ALUC staff for a determination as to whether the project is or is not consistent with applicable Compatibility Plan criteria.

The amendment would also allow for more than 12 units or spaces and group quarters with more than 36 beds, subject to approval of a conditional use permit, in replacement of the term "farm labor camp." ALUC staff does not find a consistency concern with that change, in that the conditional use permit requirement provides an opportunity for ALUC staff or Planning staff to assess ALUCP compatibility in conjunction with the conditional use permit process for proposed projects within Airport Influence Areas.

#### Highest Density Residential (R-7) and Mixed Use (MU) Zoning

The proposed ordinance amendment would also amend the permitted uses and development standards of the Highest Density Residential (R-7) and Mixed Use (MU) zones. These zones were added to Ordinance No. 348 in 2016.

The amendment changes the preamble of the R-7 zone to remove the restriction to parcels zoned R-7 pursuant to Change of Zone Case No. 7902, thereby opening up the possibility of future changes to R-7 zoning on additional properties. "Apartment houses" are deleted as a permitted use ("multiple family dwellings" are retained), while "one family dwellings on an existing legal lot," "home occupations," and "community gardens" are added. The impetus for this amendment was actually the need to allow for one-family dwellings on existing legal lots within this zone, which was applied to a large number of properties through County-initiated Change of Zone Case No. 7902. Presently, the R-7 zone provides separate standards for non-residential development, attached residential development, and detached residential development. The proposed amendment eliminates this distinction and provides for a uniform set of development standards. One standard of particular interest is height. The present ordinance limits height of detached residential development to 40 feet. Attached residential development is limited to a height of 50 feet on properties adjacent to existing single-family residences or property zoned R-1, and is otherwise limited to 75 feet, unless a height up to 100 feet is approved pursuant to a plot plan. Nonresidential development is limited to a height of 50 feet, unless a height up to 75 feet is approved pursuant to a plot plan. The proposed amendment provides for a 75-foot height limit across-the-board within the R-7 zone.

The amendment also changes the preamble of the MU zone, adds playgrounds and community gardens as permitted uses, adds "churches, temples, and other places of religious worship" and "health and fitness facility, indoor" as permissible uses subject to plot plan approval, and adds veterinary offices, catering services, "film, dental, medical, research, and testing laboratories", indoor recreation facilities, mobilehome parks, and (possibly) special occasion facilities as permissible uses,

subject to approval of a conditional use permit, while eliminating motor vehicle fuel service stations. Multiple family dwellings that do not include a non-residential use would still be a “by-right” permitted use, while those combined with a non-residential use would be subject to either plot plan or conditional use permit requirements, depending on whether the specific non-residential use would require a plot plan or a conditional use permit. The development standards for this zone would also be comprehensively revised. The present ordinance limits height for buildings or structures adjacent to existing single-family residences or property zoned R-1 to 50 feet, but otherwise allows heights up to 75 feet, unless a height up to 100 feet is approved pursuant to a plot plan. The proposed amendment provides for a 75-foot height limit across-the-board in the MU zone.

The R-7 and MU zones are not applied at this time to any properties in Compatibility Zones A, B1, B2, C, C1, or C2, where residential densities are restricted. In Compatibility Zone D, these amendments would not result in an impermissible density reduction. Plot plans and conditional use permits in Airport Influence Areas would be subject to ALUC staff or Planning Department staff review for compatibility with the applicable Airport Land Use Compatibility Plan. Therefore, ALUC staff does not have consistency concerns with this aspect of the proposed amendment.

#### Detached Accessory Structures and Accessory Dwelling Units

The amendment clarifies that detached accessory buildings and structures, including guest quarters, are allowed on lots where the principal use of the lot is a one family dwelling, although a plot plan and environmental assessment may be required for a proposed detached accessory building or structure that is 5,000 square feet or greater in size, or if the total square footage of all detached accessory buildings and structures on the lot would equal or exceed 5,000 square feet. The amendment does change the height restrictions. The current ordinance limits the height of detached accessory buildings to 20 feet on lots one acre or less and 30 feet on lots larger than one acre. The amendment changes the height limit to 30 feet or the height of the principal dwelling, whichever is less. The amendment also revises front yard setback requirements. Reference to side and rear yard setbacks is deleted from this section. (As a result, the side and rear yard setback requirements would be as specified in the zone in which the property is located.)

Section 18.18 also addresses second units, and this amendment changes all references from “second units” to “accessory dwelling units,” in accordance with State law. A new definition would be added reading as follows:

“An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons that includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the one family dwelling is located. Accessory Dwelling Units include efficiency units as defined in Section 17958.1 of the Health and Safety Code and manufactured homes as defined in Section 18007 of the Health and Safety Code.”

The amendment clarifies that accessory dwelling units are allowed on lots zoned for one family

dwelling units that are not part of a planned residential development and are not within a prohibited area as a result of water or sewer moratoria. Proposed accessory dwelling units must comply with the development standards of the property zone and the special provisions in this section. The development standards are revised to comply with recent changes to State law. (Those provisions were previously reviewed by this Commission through its consideration of the City of Riverside ordinance amendment earlier this year.) The allowable living area of accessory dwelling units remains unchanged, and is tied to lot size. (For lots smaller than four acres in size, the limits range from a maximum of 1,200 square feet up to a maximum of 2,500 square feet.)

**Second units are exempt from ALUC review, pursuant to our Countywide Policies. The change in name to “accessory dwelling units” would not negate the basis for this exception.**

### Density Bonuses

State law has provided for density bonuses for many years, but Riverside County has not until now integrated this provision into its zoning ordinance. This amendment would add a section addressing density bonuses, affordable housing, and incentives. A density bonus is proposed to be defined as an “increase over the maximum allowable residential density set forth in the Riverside County General Plan land use designation for a Housing Development...” The bonus could be applied to any project of five or more dwelling units. Senior citizen housing developments and mobilehome parks limiting residency based on age requirements for housing for older persons would be eligible for density bonuses regardless of income levels of the proposed purchasers or tenants. Other “Housing Developments” would need to meet at least one of the following requirements: 5% of the dwelling units affordable to very low income households; 10% of the dwelling units affordable to “lower income households”; 10% of the dwelling units for transitional foster youth, disabled veterans, or homeless persons, affordable to very low income households; if a “student housing development,” 20% of the dwelling units for “lower income students”; if a common interest development, 10% of the dwelling units affordable to persons and families of moderate income. The allowable bonuses are as specified in State law and could be up to 35% above the maximum General Plan density on a site. So if the General Plan allows up to 20 dwelling units per acre on a site, with a density bonus, the site could potentially be developed at a density of 27 dwelling units per acre. Applicants meeting the requirements for the density bonus may also request incentives, such as modifications to site development standards and architectural design requirements, if such modifications would result in identifiable enumerated cost reductions that would increase housing affordability or if the development standard has the effect of physically precluding the construction of the affordable Housing Development. The applicant may also request a reduction in parking ratios to the minimum set in State law. An additional bonus or incentive is available if the applicant includes a child care facility as part of the project.

While, in many cases, a density bonus would make a project in Compatibility Zone D more likely to be consistent, staff would have major concerns about approval of density bonuses for projects in Compatibility Zones B1, B2, and C, and in Compatibility Zones C1 and C2 of the March Air

Reserve Base/Inland Port Airport Influence Area. Fortunately, the proposed amendment includes a provision allowing the County to decline granting a Density Bonus request if it makes a written finding, based on substantial evidence, that the Density Bonus “would have a specific, adverse impact upon public health and safety... as provided in Government Code section 65915(d)(1)(B).” Inconsistency with the applicable Airport Land Use Compatibility Plan would be such a finding.

### Supportive and Transitional Housing

Two new housing types would be defined and recognized through this amendment. In accordance with Section 50675.14 of the California Health and Safety Code, “supportive housing” consists of housing with no limit on length of stay that is occupied by persons with disabilities, homeless families, or homeless youth that is connected to onsite or offsite services related to obtaining housing, improving health, or obtaining work. In accordance with Section 50675.2 of the California Health and Safety Code, “transitional housing” consists of rental housing provided to eligible recipients on an interim basis not less than six months. Supportive and transitional housing would be allowed in all zone classifications where one family dwellings or multiple family dwellings are allowed, subject to the permit process and development standards applicable to that zoning classification.

This is similar to proposals that have been considered with other jurisdictions, and ALUC staff finds no aviation-related reason for these dwellings to be treated differently than any other dwelling units.

### Single Room Occupancy Units (SROs)

State law encourages jurisdictions to allow for Single Room Occupancy Units (“SROs”) - a form of housing in which one or two individuals are housed in individual permanent resident rooms within a multiple tenant building – to assist in providing affordable housing to extremely low, very low, lower, and low income households. Older hotels and motels are prime candidates for conversion into SRO complexes. In order to allow for, and to appropriately regulate SROs to ensure compatibility with surrounding uses and properties and to minimize impacts associated with such uses, this amendment proposes to allow for SROs in the C-1/C-P and MU zones with a Conditional Use Permit and to establish development standards for these uses. To avoid over-concentration of SROs, a 300-foot separation, as measured from the nearest outside building walls, would be required between a proposed SRO and any other SRO. Except for the unit for the 24-hour, on-site manager, all of the units would have to be deed restricted to extremely low, very low, lower, and low income households, with income levels to be verified in writing and provided to the County by a third party.

As SRO projects would require Conditional Use Permits, ALUC would be able to evaluate airport land use compatibility for such projects within Airport Influence Areas where the County has not obtained a finding of consistency with the applicable Compatibility Plan. County Planning staff would be required to assess compatibility for such projects within Airport Influence Areas for which the County has obtained a finding of consistency. Therefore, adding these provisions does not



Staff Report  
Page 7 of 7

present a consistency concern.

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MIKE LARA  
BUILDING OFFICIAL

**COUNTY OF RIVERSIDE  
DEPARTMENT OF BUILDING AND SAFETY**

**PERMIT APPLICATION**

<b>Permit Description-</b>				Date		Permit #	
Jobsite Address						Unit/Ste/Space #	
City		State CA	Zip Code		Assessor's Parcel Number		
<b>Property Owner's Name</b> Last, First Name							
Mailing Address				City		State	Zip Code
Phone Number ( )				Email			
<p><b>Note:</b> As the applicant you will be <b>financially responsible for ALL</b> supplemental billings, fees and refunds for any and all permits per Ordinance 457. Any changes in applicant information must be made in writing by the original applicant to the Building Department. (ref. form 284-92)</p>							
<b>Financial Applicant Name</b>							
Mailing Address				City		State	Zip Code
Phone Number ( )				Email			
<b>Authorized Agent Name</b> (Form 284-308 Required)							
Mailing Address				City		State	Zip Code
Phone Number ( )				Email			
<b>Architect/ Engineer/ Project Manager</b>						License#	
Mailing Address				City		State	Zip Code
Phone Number ( )				Email			
<b>Contractor</b>						License#	Class
Mailing Address				City		State	Zip Code
Phone Number ( )				Email			
<b>FOR OFFICE USE ONLY</b>							
Planning Case #			Deluz Comm Y N		Legal		Legal Zone
			Tenaja Comm Y N				
Employee Housing Project Y N	SP/PA	Lot Size		Setbacks-Front	Left	Right	Rear
Airport Influence Area Y N							
High Fire - Y- N		Historic Preservation Dist	SEPTIC		Assoc. Permits/CV		
Flood- Y- N		Yes No	SEWER				

## Guerin, John

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**From:** Klaarenbeek, Rendell  
**Sent:** Friday, May 24, 2019 7:17 AM  
**To:** Housman, Simon; Gardner, Keith; Guerin, John; Rull, Paul; Lara, Mike  
**Cc:** Clack, Shellie; Hersh, Peter; Nanthavongdouangsy, Phayvanh; Caballero, Jorge  
**Subject:** RE: Revised Application to Construct

Good morning Simon,

We have revised our "Application to Construct" from to accommodate the acknowledgement of an employee housing project proposed within the Airport influence area. What we will need is a direction of your process and what our staff will expect receive from the applicant once they have gone through the ALUC review process. Our expectation is that if both questions are answered "Yes", the applicant will be directed to AL:UC prior to generation of any permit number or fee collection.

Let us know (Myself, Mike & Jorge) your process and the implementation start date, so we can provide staff with the needed information to assist.

Thank you,

Rendell Klaarenbeek  
Deputy Director,  
Administrative Services Manager,  
Riverside County  
Building & Safety Department  
(951) 955-1833

**From:** Housman, Simon  
**Sent:** Thursday, May 23, 2019 9:12 PM  
**To:** Gardner, Keith <[kgardner@rivco.org](mailto:kgardner@rivco.org)>; Guerin, John <[JGUERIN@RIVCO.ORG](mailto:JGUERIN@RIVCO.ORG)>; Rull, Paul <[PRull@RIVCO.ORG](mailto:PRull@RIVCO.ORG)>; Lara, Mike <[MLARA@RIVCO.ORG](mailto:MLARA@RIVCO.ORG)>  
**Cc:** Clack, Shellie <[MClack@RIVCO.ORG](mailto:MClack@RIVCO.ORG)>; Hersh, Peter <[phersh@RIVCO.ORG](mailto:phersh@RIVCO.ORG)>; Nanthavongdouangsy, Phayvanh <[PNANTHAV@RIVCO.ORG](mailto:PNANTHAV@RIVCO.ORG)>; Klaarenbeek, Rendell <[RKLAAREN@RIVCO.ORG](mailto:RKLAAREN@RIVCO.ORG)>  
**Subject:** RE: Revised Application to Construct

Dear Keith:

Of course, this only works if it is ok with Building and Safety and works smoothly in their system. Mike had some concerns we are altering a high use form to address a 1% issue. I have not had a chance to close the loop with him directly to confirm this will work for them.

Simon

**From:** Housman, Simon  
**Sent:** Thursday, May 23, 2019 8:49 PM  
**To:** Gardner, Keith <[kgardner@rivco.org](mailto:kgardner@rivco.org)>; Guerin, John <[JGUERIN@RIVCO.ORG](mailto:JGUERIN@RIVCO.ORG)>; Rull, Paul <[PRull@RIVCO.ORG](mailto:PRull@RIVCO.ORG)>  
**Cc:** Clack, Shellie <[MClack@RIVCO.ORG](mailto:MClack@RIVCO.ORG)>; Hersh, Peter <[phersh@RIVCO.ORG](mailto:phersh@RIVCO.ORG)>; Nanthavongdouangsy, Phayvanh <[PNANTHAV@RIVCO.ORG](mailto:PNANTHAV@RIVCO.ORG)>; Klaarenbeek, Rendell <[RKLAAREN@RIVCO.ORG](mailto:RKLAAREN@RIVCO.ORG)>  
**Subject:** RE: Revised Application to Construct

Dear Keith:

That is consistent with my understanding. I believe this will work.  
Simon

**From:** Gardner, Keith  
**Sent:** Thursday, May 23, 2019 3:56 PM  
**To:** Housman, Simon <[shousman@rivco.org](mailto:shousman@rivco.org)>; Guerin, John <[JGUERIN@RIVCO.ORG](mailto:JGUERIN@RIVCO.ORG)>; Rull, Paul <[PRull@RIVCO.ORG](mailto:PRull@RIVCO.ORG)>  
**Cc:** Clack, Shellie <[MClack@RIVCO.ORG](mailto:MClack@RIVCO.ORG)>; Hersh, Peter <[phersh@RIVCO.ORG](mailto:phersh@RIVCO.ORG)>; Nanthavongdouangsy, Phayvanh <[PNANTHAV@RIVCO.ORG](mailto:PNANTHAV@RIVCO.ORG)>; Klaarenbeek, Rendell <[RKLAAREN@RIVCO.ORG](mailto:RKLAAREN@RIVCO.ORG)>  
**Subject:** FW: Revised Application to Construct

Simon, John, and Paul –

Please see the attached draft form for Building and Safety permit applications. Does this adequately address ALUC's concerns?

If so, we can commit to implementing this form as soon as our Housing Ordinance has been adopted by the Board of Supervisors.

Just so we are on the same page, if the answer to BOTH "Employee Housing Project" AND "Airport Influence Area" is YES – then the applicant is sent to ALUC's staff, who will then review the application and give a written determination if the project is consistent with ALUC or not. Is that accurate?

Does this work?

Keith

**From:** Klaarenbeek, Rendell  
**Sent:** Thursday, May 23, 2019 1:19 PM  
**To:** Gardner, Keith <[kgardner@rivco.org](mailto:kgardner@rivco.org)>  
**Cc:** Caballero, Jorge <[JCABALLE@RIVCO.ORG](mailto:JCABALLE@RIVCO.ORG)>  
**Subject:** Revised Application to Construct

Revised Application change complete as requested! See attachment and yellow highlight.

**From:** [las12ce2m@rivco.org](mailto:las12ce2m@rivco.org) [<mailto:las12ce2m@rivco.org>]  
**Sent:** Thursday, May 23, 2019 1:15 PM  
**To:** Klaarenbeek, Rendell <[RKLAAREN@RIVCO.ORG](mailto:RKLAAREN@RIVCO.ORG)>  
**Subject:** Attached Image

Hi Paul:

Attached for ALUC review is the package of Land Use Ordinance (348) amendments which we designate as the Housing Element related land use ordinance amendments.

The commitments to undertake these amendments were made through the county's approval of the 2016 Housing Element and the subsequent 2017 mid-cycle update of the Housing Element which were certified by the State Department of Housing and Community Development (HCD) contingent upon the subsequent approval of the ordinance amendments. In other words, the County has no choice but to move forward with the ordinance amendments, or risk losing certification of its Housing Element. If such certification is lost, that can jeopardize the validity of the entire General Plan.

Essentially, the Ordinance No.348 amendments, as summarized below, bring the County into compliance with state law and facilitate the production of different housing types, particularly affordable housing. Our process for ordinance approval requires Planning Commission recommendation to the Board of Supervisors at public hearings.

## **R7 & MU**

These zoning classifications in 348 are proposed to be amended to allow for one family dwellings on an existing legal lot. Such use is currently not permitted. We are also proposing to clarify and simplify public and private open space requirements for residential use and are proposing to reorganize site development standards so they can be more easily tracked and reviewed for compliance by current planning and building and safety.

## **Employee Housing**

State law is placing increased emphasis on facilitating the location of employee housing in agricultural areas. Currently, 348 allows for farm labor camps in agricultural zoning classifications subject to discretionary review. Consistent with state law, we are essentially proposing two types of employee housing in agricultural zones. Simply stated, one would account for smaller employee housing which would be permitted by right, and larger employee housing would be permitted subject to discretionary review and would replace the farm labor camp designation.

## **Detached Accessory Buildings and Structures, Guest Quarters, and Accessory Dwelling Units**

Section 18.18 of 348 allows for the above uses. We are proposing to amend this section in its entirety to facilitate locating the above uses in association with existing residences. Making it easier to establish such uses will provide housing to extended families and guest and will somewhat ameliorate the housing shortage. Detached accessory building and structures, guest quarters, and accessory dwelling units will be allowed on lots where the principal use is a one family dwelling. The site development standards for establishing these uses has been simplified, and if met, the uses will be allowed by right. State law also reduced parking requirements for associated off street parking where the accessory dwelling unit is located close to transit or a car share area.



### **Density Bonuses**

We are proposing to add a new section 18.54 to 348 to allow for residential project applicants to apply for a density bonus or other incentive provided by state law in return for committing to a percentage of affordable or special needs housing as part of a residential project. Most desirable would be units designated for very low and low income households. All such projects will require the project applicant to enter into a density bonus agreement addressing such issues as long term affordability of rental or for sale units and income qualifying of occupant households. As a practical matter, we do not envision many density bonus requests because of allowances for high density housing (up to 40 units per acre) in the R-7 and MU zone. While this allowance currently exists in 348, residential project applicants have not filed applications to achieve this density.

### **Supportive and Transitional Housing**

In compliance with state law, we are proposing to allow such housing where one family or multiple family dwellings are allowed subject to the same requirements for establishing such one family or multiple family dwelling in the affected zoning classification. Supportive housing generally consist of housing, either short or long term, in order to meet a special need that cannot be provided in conventional housing. An example would be board and care facilities. A good example of transitional housing would be for accommodating a homeless person or family, generally for a limited period of time, until they have the resources to transition to conventional housing.

### **Single Room Occupancy Units**

We are proposing amend 348 to allow for such units only in the C-1/C-P zoning classifications subject to approval of a CUP. Typically, SROs are located in a secured multi-family building, are generally smaller than studio apartments, have limited kitchen facilities (usually consisting of a sink and microwave), an in-unit or communal bath room, and laundry facilities. As such, SRO units can be compared to some degree to extended stay hotel rooms. The units are leased (not short term rentals) for occupancy for one or two individuals and are income restricted to meet affordability criteria.

I hope that ALUC can support an administrative review and conclude that there will be no impact on the compatibility plan.

Thanks,

Peter



1 designation of the General Plan in an effort to accommodate the County's Regional  
2 Housing Needs Assessment (RHNA) allocation.

3 SECTION 8.302. PERMITTED USES.

4 A. The following uses shall be permitted in the R-7 Zone:

- 5 1. One family dwelling on an existing legal lot
- 6 2. Home occupations
- 7 3. Multiple family dwellings
- 8 4. Community gardens

9 B. The following uses shall be permitted provided a plot plan has been approved  
10 pursuant to the provisions of Section 18.30 of this ordinance:

- 11 1. Boarding, rooming and lodging houses
- 12 2. Child day care centers
- 13 3. Churches, temples and other places of religious worship
- 14 4. Libraries, museums and art galleries
- 15 5. Public and private parks and playgrounds

16 C. The following uses shall be permitted provided a conditional use permit has been  
17 approved pursuant to the provisions of Section 18.28 of this ordinance:

- 18 1. Mobile home parks

19 D. Any use not specifically listed in subsections B. or C. may be considered a  
20 permitted or conditionally permitted use provided that the Planning Director finds  
21 that the proposed use is substantially the same in character and intensity as those  
22 listed in the designates subsections. Such a use is subject to the permit process  
23 which governs the category in which it falls.

24 SECTION 8.303. DEVELOPMENT STANDARDS IN THE R-7 ZONE.

25 A. LOT SIZE. There is no minimum lot size.

26 B. LOT WIDTH. There is no minimum lot width.

27 C. LOT DEPTH. There is no minimum lot depth.

28

- 1 D. FRONTAGE. There is no minimum frontage.
- 2 E. HEIGHT. The maximum height of any buildings or structures shall be no greater  
3 than seventy-five (75) feet.
- 4 F. SCREENING. All roof-mounted equipment, excluding solar panels, shall be  
5 screened from the ground elevation view to a minimum sight distance of six  
6 hundred sixty (660) feet for residential buildings and one thousand three hundred  
7 twenty (1,320) feet for non-residential buildings.
- 8 F. LOT COVERAGE. There is no maximum lot coverage.
- 9 G. FRONT SETBACK. There is no front setback requirement, except for one family  
10 dwelling building(s) or associated structure(s), which shall have a minimum front  
11 setback of no less than twenty-five (25) feet.
- 12 H. SIDE SETBACK. There is no side setback requirement, except for the following:
- 13 1. One family dwelling building(s) or associated structure(s) shall have a  
14 minimum side setback of no less than five (5) feet.
- 15 2. For lots zoned R-7 that abut lots zoned R-R, R-A, R-1 and R-1-A, the  
16 minimum side setback shall be no less than five (5) feet.
- 17 I. REAR SETBACK. There is no rear setback requirement, except for the following:
- 18 1. One family dwelling building(s) or associated structure(s) shall have a  
19 minimum rear setback of no less than fifteen (15) feet.
- 20 2. For lots zoned R-7 that abut lots zoned R-R, R-A, R-1 and R-1-A, the  
21 minimum rear setback shall be no less than fifteen (15) feet.
- 22 J. OPEN SPACE.
- 23 1. There is no minimum landscape area requirement.
- 24 2. Any development with more than ten (10) multiple family dwelling units  
25 shall provide at least one hundred square feet (100 ft<sup>2</sup>) of common use area  
26 (CUA) for each unit above ten (10) units. A CUA is a recreational open  
27 space area, such as a park, sport field, pool, gym, or passive recreational  
28

1 area, associated with and located on the same lot or lots as the primary use.

2 A reduction in this requirement may be applied pursuant to the following:

3 a. A five percent (5%) reduction for developments that provide more  
4 than two hundred (200) dwelling units.

5 b. A five percent (5%) reduction for developments that provide  
6 housing for very low, low or moderate income households, as  
7 defined in the Riverside County's General Plan Housing Element,  
8 with applicable affordability restrictions.

9 3. Any development with multiple family dwelling units shall provide at least  
10 fifty square feet (50 ft<sup>2</sup>) of private open space (POA) per unit. A POA is a  
11 private usable open space area, such as a patio or balcony, which is not  
12 encumbered with structures and is attached to the primary dwelling unit.

13 **K. SITE REQUIREMENTS.**

14 1. **REFUSE AND RECYCLABLE MATERIAL STORAGE AREA.** A refuse  
15 and recyclable material storage area shall be provided for any new  
16 development, or existing development that will add thirty percent (30%) or  
17 more units or floor area. This area must be fully enclosed and have  
18 adequate separation from any habitable areas. This area shall be screened  
19 using landscape or architectural features.

20 2. **ENCROACHMENTS.** No setback or yard encroachments are permitted,  
21 except as provided in Section 18.19 of this ordinance.

22 3. **LIGHTING.** All onsite lighting shall be focused, directed, or arranged to  
23 prevent glare or direct illumination on adjacent residential uses.

24 4. **PARKING.** Off-street parking shall be provided pursuant to Section 18.12  
25 of this ordinance.

26 **SECTION 8.304. DEVELOPMENT DESIGN AND PHASING.**



1 A. PHASING PLAN. For phased developments, a site development phasing plan  
2 shall be submitted with the land use application or design review application and  
3 include maps, exhibits and a description of the following: phasing for development  
4 and infrastructure, and the development of multi-modal transportation connectivity  
5 with the neighborhood and adjoining community areas.

6 B. DESIGN REVIEW. For multiple family dwellings, a site design plan shall be  
7 submitted to the Planning Director for review and shall include the following:

- 8 1. Site plan with building footprint
- 9 2. Floor plans
- 10 3. Landscape plan
- 11 4. Wall and fencing plan
- 12 5. Elevation plan
- 13 6. Architectural design
- 14 7. Photometric plan, as necessary
- 15 8. Traffic analysis

16 C. PUBLIC REVIEW PERIOD. A thirty (30) day public review period shall be  
17 provided prior to the Planning Director considering the site design plan submitted  
18 for multiple family dwellings. Notice of the public review period shall be given in  
19 the same manner as provided in Section 18.26.c. subsections (2),(4), (5),(6) and (7)  
20 of this ordinance. The notice shall include the mailing address to send comments  
21 to, the dates for the public review period, location where the site design plan may  
22 be reviewed, and explain that the public may comment on the site design plan for  
23 the multiple family dwellings. The Planning Director shall consider any public  
24 comments received on the site design plan.

25 D. DESIGN APPROVAL. The above referenced site design plan shall be approved  
26 by the Planning Director if the site design plan is consistent with all of the  
27 following:  
28

- 1                   1.     The Riverside County General Plan;
- 2                   2.     This ordinance;
- 3                   3.     The Countywide Design Guidelines;
- 4                   4.     There is no specific, adverse impact upon the public health or safety. A
- 5                   specific adverse impact means a significant, quantifiable, direct, and
- 6                   unavoidable impact, based on objective, identified written public health or
- 7                   safety standards, policies or conditions as they existed on the date the
- 8                   application was deemed complete; or
- 9                   5.     If there is a specific adverse impact upon the public health or safety, the
- 10                  development has been conditioned to develop at a lower density which
- 11                  removes the specific adverse impact.”

12     Section 6.     Article IXf of Ordinance No. 348 is amended in its entirety to read as follows:

13                   “ARTICLE IXf MU ZONE (MIXED USE)

14                   SECTION 9.85. PURPOSE AND INTENT.

15                   The purpose of this article is to establish the Mixed Use (MU) Zone to promote a mix of

16                   land uses and to facilitate development that offers a combination of housing, employment,

17                   and commercial opportunities, which encourages “active transportation,” such as walking,

18                   biking, use of transit, while still allowing for other modes of transportation. The intent of

19                   the MU Zone is to implement the Mixed-Use Area (MUA) land use designation of the

20                   General Plan, which assists the County in accommodating its share of the regional housing

21                   needs assessment (RHNA) allocation pursuant to the Housing Element. The MU Zone

22                   shall apply to land designated MUA in the General Plan and may apply to land within an

23                   approved Specific Plan.

24                   SECTION 9.86. USES PERMITTED.

25                   A.     The following uses shall be permitted in the MU Zone:

- 26                   1.     One family dwelling on an existing legal lot
- 27                   2.     Multiple family dwellings that only include a residential use

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- 3. Home occupations
- 5. Public parks, playgrounds, and plazas
- 6. Community gardens

B. The following uses shall be permitted provided a plot plan has been approved pursuant to provisions of Section 18.30 of this ordinance. In the event a development includes a combination of uses that are permitted with a plot plan and conditional use permit, the development shall be processed in accordance with Section 9.86.C. of this Article.

- 1. Animal hospitals, not including any outdoor facilities
- 2. Antique shops
- 3. Art supply shops and studios
- 4. Artisan or novelty stores
- 5. Bakery shops, including baking only when incidental to retail sales on the premises
- 6. Banks and financial institutions
- 7. Barber and beauty shops
- 8. Book stores
- 9. Business and Professional Schools
- 10. Cellular telephone sales and service
- 11. Check Cashing Business
- 12. Churches, temples, and other places of religious worship
- 13. Clothing Dry Cleaners
- 14. Clothing stores
- 15. Community and Civic Centers
- 16. Computer sales and service
- 17. Day care centers
- 18. Delicatessens

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- 19. Drug stores
- 20. Florist shops
- 21. Gift shops
- 22. Grocery stores
- 23. Hardware stores
- 24. Health and fitness facility, indoor
- 25. Household furniture and appliance stores
- 26. Internet cafes and internet gaming facilities
- 27. Jewelry stores with incidental repairs
- 28. Laundries and laundromats
- 29. Medical offices
- 30. Multiple family dwellings with non-residential uses listed in this subsection
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- 31. Museums and libraries
- 32. Nurseries and garden supply stores
- 33. Paint and wall paper stores
- 34. Pet shops ad pet supply shops
- 35. Photography shops and studios and photo engraving
- 36. Plumbing shops, not including plumbing contractors
- 37. Post services
- 38. Restaurant and other eating establishments
- 39. Shoe stores and repair shops
- 40. Sporting goods stores
- 41. Tailor shops
- 42. Tobacco or Hookah shops; but not lounges
- 43. Tourist information centers
- 44. Toy stores

1 C. The following uses shall be permitted provided a conditional use permit has been  
2 approved pursuant to the provisions of Section 18.28 of this ordinance:

- 3 1. Animal hospitals and veterinary office, with outdoor facilities
- 4 2. Bars and cocktail lounges
- 5 3. Billiard and pool halls
- 6 4. Catering services
- 7 5. Convenience stores
- 8 6. Film, dental medical, research, and testing laboratories
- 9 7. Hotels, resort hotels and motels
- 10 8. Indoor entertainment and recreation facility
- 11 9. Liquor stores pursuant to the provisions of Section 18.48 (Alcoholic  
12 Beverage Sales) of this Ordinance.
- 13 10. Mobilehome parks pursuant to Section 19.91 of this ordinance.
- 14 11. Multiple family dwellings combined with non-residential uses listed in this  
15 subsection C.
- 16 12. Private Academic Facility
- 17 13. Theaters and Auditoriums

18 D. SAME CHARACTER AND INTENSITY. Any use that is not specifically listed in  
19 subsections B. or C. may be considered a permitted or conditionally permitted use  
20 provided that the Planning Director finds that the proposed use is substantially the  
21 same in character and intensity as those listed in the designated subsections. Such a  
22 use is subject to the permit process which governs the category in which it falls.

23 SECTION 9.87. DEVELOPMENT STANDARDS IN THE MU ZONE.

- 24 A. LOT SIZE. There is no minimum lot size.
- 25 B. LOT WIDTH. There is no minimum lot width.
- 26 C. LOT DEPTH. There is no minimum lot depth.
- 27 D. FRONTAGE. There is no minimum frontage.



- 1 E. HEIGHT. The maximum height of any buildings or structures shall be no greater  
2 than seventy-five (75) feet. Ground floor commercial retail shall have a minimum  
3 ceiling height of eleven (11) feet, measured from foundation to finished ceiling.
- 4 F. SCREENING. All roof-mounted equipment, excluding solar panels, shall be  
5 screened from the ground elevation view to a minimum sight distance of six  
6 hundred sixty (660) feet for residential building and one thousand three hundred  
7 twenty (1,320) feet for non-residential buildings, including mixed-use buildings.
- 8 F. LOT COVERAGE. There is no minimum lot coverage.
- 9 G. FRONT SETBACKS. There is no front setback requirement, except for one family  
10 dwelling building(s) or associated structure(s), which shall have a minimum front  
11 setback of no less than twenty-five (25) feet.
- 12 H. SIDE SETBACKS. There is no side setback requirement, except for the following:
- 13 1. One family dwelling building(s) or associated structure(s) shall have a  
14 minimum side setback of no less than five (5) feet.
- 15 2. For lots zoned MU that abut lots zoned R-R, R-A, R-1, R-1-A, the  
16 minimum side setback shall be no less than five (5) feet.
- 17 I. REAR SETBACKS. There is no rear setback requirement, except for the  
18 following:
- 19 1. One family dwelling building(s) or associated structure(s) shall have a  
20 minimum side setback of no less than fifteen (15) feet.
- 21 2. For lots zoned MU that abut a lots zoned R-R, R-A, R-1, R-1-A, the  
22 minimum rear setback shall be no less than fifteen (15) feet.
- 23 J. OPEN SPACE.
- 24 1. There is no minimum landscape area requirement
- 25 2. Any development with one or more non-residential building(s) with thirty  
26 thousand square feet (30,000 ft<sup>2</sup>) or greater of floor area each shall provide  
27 at least one (1) public use area (PUA) that is adjacent to public streets or  
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1 ground floor retail or ground floor commercial uses. A PUA is an urban and  
2 public open space area, such as a plaza, square or court, located on the same  
3 lot(s) as the primary use and used as a gathering place or a pedestrian  
4 linkage between buildings.

5 3. Any development with more than ten (10) multiple family dwelling units  
6 shall provide at least one hundred square feet (100 ft<sup>2</sup>) of common use area  
7 (COA) for each unit above ten (10) units. A CUA is a recreational open  
8 space area, such as a park, sport field, pool, gym, or passive recreational  
9 area, associated with and located on the same lot or lots as the primary use.  
10 A PUA, pursuant to subsection J.2, may be used to fulfill the CUA  
11 requirement. A reduction in this requirement may be applied pursuant to  
12 the following:

- 13 a. A five percent (5%) reduction for developments that provide more  
14 than two hundred (200) dwelling units.
- 15 b. A five percent (5%) reduction for developments that provide  
16 housing for very low, low or moderate income households as  
17 defined in the Riverside County Housing Element with applicable  
18 affordability restrictions.

19 3. PRIVATE OPEN AREA. A private open area (POA) is a private usable  
20 open area, such as a patio or balcony, which is not encumbered with  
21 structures and is attached to the primary dwelling unit. A development with  
22 multiple family units shall provide at least fifty square feet (50 ft<sup>2</sup>) of POA  
23 per unit.

24 K. SITE REQUIREMENTS.

25 1. Any mixed-use buildings shall provide ground floor retail or commercial  
26 uses for at least fifty percent (50%) of ground floor units that front a public  
27 street, sidewalk, or public use area at the time of developed.



- 1                   3.     Landscape plan
- 2                   4.     Wall and fencing plan
- 3                   5.     Elevation plan
- 4                   6.     Architectural design
- 5                   7.     Photometric plan, as necessary
- 6                   8.     Traffic analysis

7           C.    PUBLIC REVIEW PERIOD. A thirty (30) day public review period shall be  
8           provided prior to the Planning Director considering the site design plan submitted  
9           for multiple family dwelling developments that only include residential use. Notice  
10          of the public review period shall be given in the same manner as provided in  
11          Section 18.26.c. subsections (2),(4), (5),(6) and (7) of this ordinance. The notice  
12          shall include the mailing address to send comments to, the dates for the public  
13          review period, location where the site design plan may be reviewed, and explain  
14          that the public may comment on the site design plan for the multiple family  
15          dwelling development. The Planning Director shall consider any public comments  
16          received on the site design plan.

17          D.    DESIGN APPROVAL. The site design plan referenced above shall be approved if  
18          the Planning Director finds the site design plan conforms or is consistent with all of  
19          the following:

- 20               1.     The Riverside County General Plan;
- 21               2.     This ordinance;
- 22               3.     The Countywide Design Guidelines;
- 23               4.     There is no specific, adverse impact upon the public health or safety. A  
24               specific adverse impact means a significant, quantifiable, direct, and  
25               unavoidable impact, based on objective, identified written public health or  
26               safety standards, policies or conditions as they existed on the date the  
27               application was deemed complete; or

1                   5.     If there is a specific adverse impact upon the public health or safety, the  
2                   development has been conditioned to develop at a lower density which  
3                   removes the specific adverse impact.”

4           Section 7.     A new Subsection A.18. is added to Section 13.1 of Ordinance No. 348 to read as  
5 follows:

6                   “18.   Employee housing consisting of no more than 36 beds in a group quarters or 12  
7                   units or spaces designed for use by single family or household.”

8           Section 8.     Subsection C.3. of Section 13.1 of Ordinance No. 348 is amended to read as  
9 follows:

10                  “3.     Employee housing consisting of more than 36 beds in a group quarters or 12 units  
11                  or spaces for use by single family or household.”

12           Section 9.     A new subsection K. is added to Section 13.51 of Ordinance No. 348 to read as  
13 follows:

14                  “18.   Employee housing consisting of no more than 36 beds in a group quarters or 12  
15                  units or spaces for use by single family or household.”

16           Section 10.   A new subsection L. is added to Section 13.51 of Ordinance No. 348 to read as  
17 follows:

18                  “L.     Employee housing consisting of more than 36 beds in group quarters or 12 units or  
19                  spaces designed for use by single family or household.”

20           Section 11.   A new subsection A.23. is added to Section 14.1 of Ordinance No. 348 to read as  
21 follows:

22                  “23.   Employee housing consisting of no more than 36 beds in a group quarters or 12  
23                  units or spaces designed for use by single family or household.”

24           Section 12.   Subsection C.3. of Section 14.1 of Ordinance No. 348 is amended to read as  
25 follows:

26                  “3.     Employee housing consisting of more than 36 beds in a groups quarters or 12 units  
27                  or spaces designed for use by single family or household.”



1            Section 13.    A new subsection A.12. is added to Section 14.52 of Ordinance No. 348 to read as  
2 follows:

3            “12.    Employee housing consisting of no more than 36 beds in a group quarters or 12  
4            units or spaces designed for use by single family or household.”

5            Section 14.    A new subsection C.3. is added to Section 14.52 of Ordinance No. 348 to read as  
6 follows:

7            “3.     Employee housing consisting of more than 36 beds in a group quarters or 12 units  
8            or spaces designed for use by single family or household.”

9            Section 15.    A new subsection A.6. is added to Section 14.73 of Ordinance No. 348 to read as  
10 follows:

11           “6.     Employee housing consisting of no more than 36 beds in a group quarters or 12  
12           units or spaces designed for use by single family or household.”

13           Section 16.    Subsection C.3. of Section 14.73 of Ordinance No. 348 is amended to read as  
14 follows:

15           “3.     Employee housing consisting of more than 36 beds in a group quarters or 12 units  
16           or spaces designed for use by single family or household.”

17           Section 17.    A new subsection A.8. is added to Section 14.92 of Ordinance No. 348 to read as  
18 follows:

19           “8.     Employee housing consisting of no more than 36 beds in a group quarters or 12  
20           units or spaces designed for use by single family or household.”

21           Section 18.    Subsection C.1. of Section 14.92 of Ordinance No. 348 is amended to read as  
22 follows:

23           “1.     Employee housing consisting of more than 36 beds in group quarters or 12 units or  
24           spaces designed for use by single family or household.”

25           Section 19.    A new subsection A.8. is added to Section 14.94 of Ordinance No. 348 to read as  
26 follows:

1           “8.     Employee housing consisting of no more than 36 beds in a group quarters or 12  
2           units or spaces designed for use by single family or household.”

3           Section 20.    Subsection C.1. of Section 14.94 of Ordinance No. 348 is amended to read as  
4 follows:

5           “1.     Employee housing consisting of more than 36 beds in a group quarters or 12 units  
6           or spaces designed for use by single family or household.”

7           Section 21.    A new subsection A.14. is added to Section 14.96 of Ordinance No. 348 to read as  
8 follows:

9           “14.    Employee housing consisting of no more than 36 beds in a group quarters or 12  
10          units or spaces designed for use by single family or household.”

11          Section 22.    Subsection C.1. of Section 14.96 of Ordinance No. 348 is amended to read as  
12 follows:

13          “1.     Employee housing consisting of more than 36 beds in a group quarters or 12 units  
14          or spaces designed for use by single family or household.”

15          Section 23.    A new subsection A.9. is added to Section 14.98 of Ordinance No. 348 to read as  
16 follows:

17          “9.     Employee housing consisting of no more than 36 beds in a group quarters or 12  
18          units or spaces designed for use by single family or household.”

19          Section 24.    Section 18.18 of Article XVIII of Ordinance No. 348 is amended in its entirety to  
20 read as follows:

21                 “SECTION 18.18.   DETACHED ACCESSORY BUILDINGS AND STRUCTURES,  
22                 GUEST QUARTERS, AND ACCESSORY DWELLING UNITS.

23                 A.     PURPOSE AND INTENT.   The Board of Supervisors has adopted the following  
24                 provisions to establish minimum development requirements for the erection of  
25                 detached accessory buildings and structures, guest quarters and accessory dwelling  
26                 units in the unincorporated areas of Riverside County.  These requirements are  
27                 intended to provide for the appropriate construction of accessory dwelling units,  
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1 detached accessory buildings and structures, and guest quarters, to enhance the  
2 aesthetic appearance of the community, provide for affordable housing and  
3 preserve property values and protect the public health, safety and welfare.

4 Accessory dwelling units were formerly known as second units.

5 **B. DETACHED ACCESSORY BUILDINGS AND STRUCTURES.**

6 1. **ALLOWED USE.** Subject to the provisions provided in this Section,  
7 detached accessory buildings and structures are allowed on lots where the  
8 principal use of the lot is a one family dwelling.

9 2. **PLOT PLAN REQUIREMENT.**

10 a. Notwithstanding the above Section 18.18.B.1., the Planning Director  
11 may, based on a determination of potential environmental concerns,  
12 require the submittal of a plot plan including the preparation of an  
13 environmental assessment pursuant to Section 18.30 of this  
14 ordinance if either:

15 i. A detached accessory building or structure on a lot equals or  
16 exceeds five thousand square feet (5,000 ft<sup>2</sup>) in size; or,

17 ii. The total square footage of all detached accessory buildings  
18 or structures on a lot equal or exceed five thousand square  
19 feet (5,000 ft<sup>2</sup>). Said determination of potential  
20 environmental concerns shall be made by the Planning  
21 Director and is within his or her sole discretion.

22 b. If a plot plan is required for a detached accessory building or  
23 structure, a public hearing shall be held in accordance with Section  
24 18.30 of this ordinance and the plot plan shall only be approved if it  
25 complies with the requirements of this Section and the requirements  
26 of Section 18.30 of this ordinance.

1                   3.    DEVELOPMENT STANDARDS.    In addition to the development  
2 standards of the applicable zone, a detached accessory building or structure  
3 shall comply with the following:

4                   a.    Where a rear yard is required by this ordinance, a detached  
5 accessory building or structure may occupy not more than fifty  
6 percent (50%) of the required rear yard.

7                   c.    In areas at altitudes above four thousand (4,000) feet, a detached  
8 accessory building or structure may be constructed in accordance  
9 with the same building setback line as is required for a one family  
10 dwelling on the same lot.

11                  d.    Detached accessory buildings or structures shall be located in the  
12 rear portion of a lot and shall not be nearer to the street line than the  
13 principle dwelling on the lot.

14                  e.    No detached accessory building shall be nearer to the one family  
15 dwelling, or other building or structure than that permitted by  
16 Ordinance No. 457 and Ordinance No. 787.

17                  f.    Notwithstanding the height limitations of any zone, the height limit  
18 shall be thirty (30) or the height of the principle dwelling, whichever  
19 is less.

20                  g.    Bare metal buildings and structures (metal buildings and structures  
21 without paint or exterior architectural coatings or treatments), shall  
22 not be located on a lot one (1) acre or smaller.

23                  h.    No final inspection shall be performed for the detached accessory  
24 building or structure until a final inspection has been performed for  
25 the one family dwelling on the same lot.

26                  i.    No detached accessory building or structure shall be rented or  
27 leased, or offered for rent or lease, unless the one family dwelling on  
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1 the lot is also being rented or leased, or offered for rent or lease, to  
2 the same renter or lessee.

3 j. No detached accessory building or structure shall be used for  
4 overnight accommodations.

5 k. No detached accessory building or structure shall contain a kitchen.

6 l. Any detached accessory building or structure must have the same lot  
7 access as the one family dwelling on the lot. No additional curb  
8 cuts, rear access or any other type of access is allowed to the  
9 detached accessory building or structure except as may be  
10 authorized by the Transportation Department through the issuance  
11 of an encroachment permit.

12 m. A detached accessory building or structure shall be compatible with  
13 the architecture of the one family dwelling and consistent with the  
14 character of the surrounding neighborhood.

15 n. Notwithstanding the above, in areas at altitudes below four thousand  
16 feet and where the slope of the front twenty (20) feet of the lot is  
17 greater than one (1) foot rise or fall in a seven (7) foot run from the  
18 established street elevation, or where the frontage of the lot is more  
19 than four (4) feet above or below such established street elevation, a  
20 private garage may be built to the front or side lot lines if the  
21 placement of the building or structure or the design of the building  
22 or structure prevents vehicles directly exiting or entering onto the  
23 adjacent roadway; however, in areas at altitudes above four  
24 thousand (4,000) feet and where the slope of the front twenty (20)  
25 feet of a lot is greater than one (1) foot rise or fall in a seven (7) foot  
26 run from the established street elevation, or where the frontage of  
27 the lot is more than four (4) feet above or below such established  
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1 street elevation, a private garage or carport may be built to the front  
2 or side lot lines.

3 C. GUEST QUARTERS.

4 1. ALLOWED USE. Subject to the development standards provided below,  
5 guest quarters are allowed on lots where the principle use of the lot is a one  
6 family dwelling.

7 2. DEVELOPMENT STANDARDS. Except for Subsection B.3.j. of this  
8 Section, all development standards for detached accessory buildings and  
9 structures shall apply to guest quarters. In addition, the following  
10 development standards shall apply to guest quarters:

- 11 a. Only one (1) guest quarter shall be permitted on a lot.
- 12 b. The square footage of any guest quarter shall not exceed two percent  
13 (2%) of the lot size and shall in no case exceed six hundred square  
14 feet (600 ft<sup>2</sup>).
- 15 c. A guest quarter shall be used exclusively by occupants of the one  
16 family dwelling on the same lot and their non-paying guests.
- 17 d. No reduction of the side and rear yard setbacks shall be allowed for  
18 any guest quarter.
- 19 e. For lots one half acre or smaller, a guest quarter shall not be allowed  
20 if the lot has an existing or approved accessory dwelling unit.

21 D. EXCEPTIONS.

22 1. This section shall not apply in the A-P, A-2 or A-D zones.

23 E. ACCESSORY DWELLING UNITS.

24 1. ALLOWED USE. Accessory dwelling units are allowed on lots zoned for  
25 one family dwellings that are not part of a planned residential development  
26 subject to the development standards and requirements provided below.



1                   2.    **AREAS NOT ALLOWED.** Detached accessory dwelling units shall not be  
2                   permitted in those areas of the County which have significant problems with  
3                   regard to water availability or quality, sewage disposal or other public  
4                   health or safety concerns. Prohibited areas shall include, but not be limited  
5                   to, those areas where a development moratorium has been imposed,  
6                   including a moratorium for water or sewer, whether imposed by the County  
7                   or another public agency with the authority to impose a development  
8                   moratorium.

9                   3.    **REVIEW AND DECISION.** The application for an accessory dwelling unit  
10                  shall be considered ministerial without discretionary review or a hearing.

11                  4.    **DEVELOPMENT STANDARDS AND REQUIREMENTS.** No accessory  
12                  dwelling unit shall be approved unless it complies with the development  
13                  standards of the applicable zone in which it is located and the requirements  
14                  set forth in this Section. If there is an inconsistency between the zone's  
15                  development standards and these requirements, the more restrictive shall  
16                  apply.

17                  a.    The accessory dwelling unit is located on the same lot as a proposed  
18                  or existing one family dwelling.

19                  b.    The accessory dwelling unit is either attached or located within the  
20                  living area of the proposed or existing one family dwelling or  
21                  detached from the proposed or existing one family dwelling.

22                  c.    If attached, the total area of floorspace of the accessory dwelling  
23                  unit does not exceed fifty percent (50%) of the living area for the  
24                  proposed or existing one family dwelling or one thousand two  
25                  hundred square feet (1,200 ft).

- 1 d. If detached, the total area of the floorspace of the accessory  
2 dwelling unit does not exceed one thousand two hundred square feet  
3 (1,200 ft).
- 4 e. The one family dwelling or the accessory dwelling unit is occupied  
5 by the property owner.
- 6 f. No passageway is required in conjunction with the construction of  
7 the accessory dwelling unit.
- 8 g. No setbacks are required when an existing garage is converted to an  
9 accessory dwelling unit or to a portion of an accessory dwelling  
10 unit.
- 11 h. Accessory dwelling units constructed above a garage shall be  
12 setback a minimum of five (5) feet from side and rear lot lines.
- 13 i. Notwithstanding subsection j. below, at least one (1) parking space  
14 per accessory dwelling unit or bedroom, whichever is less, is  
15 provided for off-street parking.
- 16 j. Off-street parking shall not be required for an accessory dwelling  
17 unit located a half mile from public transit, located in an  
18 architecturally or historically significant district, is a portion or of  
19 connected to an existing building or structure, located in an area  
20 where on street parking permits are required but are not offered to  
21 the accessory dwelling unit's occupancy or located one block from a  
22 car share area.
- 23 k. The accessory dwelling unit shall be used as a one family dwelling  
24 only, and no businesses or home occupations of any kind shall be  
25 conducted in the accessory dwelling unit.
- 26 l. Detached accessory dwelling units shall be located at the rear or the  
27 side of the one family dwelling unless the Planning Director  
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1 determines that the accessory dwelling unit may be located in front  
2 of the one family dwelling due to special and extraordinary  
3 circumstances such as the existing location of the one family  
4 dwelling or physical constraints of the lot.

- 5 m. If detached, the accessory dwelling unit does not exceed the height  
6 of the one family dwelling.
- 7 n. All weather access for emergency vehicles is provided for detached  
8 accessory dwelling units located more than one hundred fifty (150)  
9 feet from a public right-of-way.
- 10 o. Written confirmation from the Department of Environmental Health  
11 shall be obtained for use of an existing or new septic system. No  
12 separate confirmation of water or sewer service shall be required.
- 13 p. The accessory dwelling unit may not be sold as a separate unit  
14 unless the lot is subdivided pursuant to all applicable laws and  
15 ordinances.
- 16 q. The accessory dwelling unit may be occupied by any person with or  
17 without rent.

18 5. MINIMUM SIZE REQUIREMENTS. The minimum lot sizes and  
19 allowable living areas for an accessory dwelling unit shall be as follows:

- 20 a. An accessory dwelling unit shall not be permitted on a lot less than  
21 seven thousand two hundred (7,200) feet in size.
- 22 b. For lots seven thousand two hundred (7,200) feet in size to nineteen  
23 thousand nine hundred ninety-nine square feet (19,999 ft<sup>2</sup>), the  
24 living area for the accessory dwelling unit shall not exceed twelve  
25 hundred square feet (1,200 ft<sup>2</sup>).

- 1 c. For lots twenty thousand square feet (20,000 ft<sup>2</sup>) to one and ninety-
- 2 nine hundredths (1.99) of an acre, the living area for the accessory
- 3 dwelling unit shall not exceed fifteen hundred square feet (1,500 ft<sup>2</sup>).
- 4 d. For lots two (2) acres to three and ninety-nine hundredths (3.99) of
- 5 an acre, the living area for the accessory dwelling unit shall not
- 6 exceed twenty-five hundred square feet (2,500 ft<sup>2</sup>).
- 7 e. For lots four (4) acres or larger, the living area for the accessory
- 8 dwelling unit shall not exceed twenty-five hundred square feet
- 9 (2,500 ft<sup>2</sup>) or up to two hundred percent (200%) of the living area of
- 10 the existing one family dwelling.
- 11 f. In determining living area, it shall include the interior habitable area
- 12 of an accessory dwelling unit or an existing one family dwelling
- 13 including basements and attics but shall not include a garage or any
- 14 accessory building or structure.
- 15 6. DWELLING SIZE. Accessory dwelling units shall not be subject to the
- 16 provisions of Section 18.11 of this ordinance.
- 17 7. DENSITY. Any accessory dwelling unit which conforms to this Section
- 18 shall not be considered to exceed the allowable density for the lot upon
- 19 which it is located, and shall be deemed to be a residential use which is
- 20 consistent with the General Plan and zone for that lot.
- 21 8. COMPLIANCE WITH LAWS AND REGULATIONS. Accessory
- 22 dwelling units shall comply with the development standards and
- 23 requirements set forth in this Section and all applicable State and local laws
- 24 and regulations. If any provision of this Section conflicts with California
- 25 Government Code Section 65852.2, the latter shall govern.

26 Section 25. Subsection D. of Section 18.29a. of Article XVIII of Ordinance No. 348 is

27 amended to read as follows:

28

1 "D. ACCESSORY DWELLING UNITS/GUEST QUARTER. No accessory dwelling  
2 unit or guest quarter may be used as a family day care home."

3 Section 26. The introductory language of Section 18.43 of Article XVIII of Ordinance No. 348  
4 is amended to read as follows:

5 "A request for approval of a modification to an approved plot plan, conditional use permit,  
6 public use permit, accessory dwelling unit permit, mobilehome permit under Article XIXb.  
7 of this ordinance, or variance, shall be made in accordance with the provisions of this  
8 section. A modification under this section means a determination of substantial  
9 conformance or a request for a revised permit as further defined herein. These provisions  
10 shall not be applicable to wind energy conversion system permits."

11 Section 27. Subsection C.1. of Section 18.45 of Article XVIII of Ordinance No. 348 is  
12 amended to read as follows:

13 "1. RESIDENCY:

14 In those zones permitting Class I Kennels, such kennels may be placed upon parcels  
15 containing detached single family dwelling units. All Class II Kennels and all catteries  
16 shall include a single family dwelling to be used by a live-in caretaker, as required by the  
17 Riverside County standards for kennels and catteries. Notwithstanding any provisions  
18 within this ordinance to the contrary, no parcel with a kennel or cattery shall contain more  
19 than the maximum number of detached singly family dwelling units permitted by the  
20 existing zoning on the property. Multi-family dwelling units and attached single family  
21 dwelling units shall not be permitted in conjunction with kennels or catteries, provided,  
22 however, that a guest quarter or accessory dwelling unit shall be permitted in accordance  
23 with current County ordinances."

24 Section 28. Subsection D. of Section 18.53 of Article XVIII of Ordinance No. 348 is amended  
25 to read as follows:

26 "D. EXCEPTIONS.  
27  
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1 Cottage food operations shall not be permitted in any accessory dwelling unit, guest  
2 quarter or accessory building in any zone.”

3 Section 29. A new Section 18.54 is added to Article XVIII of Ordinance No. 348 to read as  
4 follows:

5 “SECTION 18.54. DENSITY BONUSES.

6 A. PURPOSE AND INTENT. The Board of Supervisors finds that certain incentives  
7 are appropriate and necessary to help increase opportunities for affordable housing  
8 in the County and to achieve the goals and policies of the General Plan Housing  
9 Element. The purpose of this Section is to facilitate the development of affordable  
10 rental and for-sale housing, including inclusionary housing, in accordance with  
11 California Government Code sections 65915 through 65918, as may be amended  
12 from time to time.

13 B. DEFINITIONS. As used in this Section, the following terms shall have the  
14 following meanings:

15 1. Density Bonus. An increase over the otherwise maximum allowable  
16 residential density set forth in the Riverside County General Plan land use  
17 designation for a Housing Development, as defined in this Section.

18 2. Housing Development. As provided in section 65915(i) of the Government  
19 Code, a development project for five (5) or more dwelling units that may  
20 include a subdivision or common interest development consisting of one  
21 family or multiple family dwellings or unimproved residential lots. A  
22 Housing Development can also include either a project to substantially  
23 rehabilitate and convert an existing commercial building to residential use,  
24 or the substantial rehabilitation of an existing multiple family dwelling,  
25 where the result of the rehabilitation would be a net increase in available  
26 dwelling units.



1                   3.    Target Units. Dwelling units with affordability restrictions for the  
2 following:

3                   a.    Very low, low and moderate income households as defined in  
4 sections 50105, 50079.5, and 50093, respectively, of the Health and  
5 Safety Code;

6                   b.    Transitional foster youth, as defined in section 66025.9 of the  
7 Education Code;

8                   c.    Disabled veterans, as defined in section 18541 of the Government  
9 Code;

10                  d.    Senior citizens as defined in sections 51.3 and 51.12 of the Civil  
11 Code; or

12                  e.    Homeless persons as defined in section 11302 of title 42 of the  
13 United States Code, also known as the McKinney-Vento Homeless  
14 Assistance Act.

15                  C.    **ELIGIBILITY.** A Housing Development is eligible for a Density Bonus when the  
16 Housing Development meets at least one of the following requirements:

17                  1.    Ten (10%) percent of the total dwelling units of a Housing Development are  
18 for lower income households, as defined in section 50079.5 of the Health  
19 and Safety Code;

20                  2.    Five (5%) percent of the total dwelling units of a Housing Development are  
21 for very low income households, as defined in section 50105 of the Health  
22 and Safety Code;

23                  3.    The Housing Development includes a senior citizen housing development,  
24 as defined in sections 51.3 and 51.12 of the Civil Code, or a mobilehome  
25 park that limits residency based on age requirements for housing for older  
26 persons pursuant to section 798.76 and 799.5 of the Civil Code;

- 1                   4.     Ten (10%) percent of the total dwelling units in a common interest  
2                   development, as defined in section 4100 of the Civil Code, are for persons  
3                   and families of moderate income, as defined in section 50093 of the Health  
4                   and Safety Code, provided that all dwelling units are offered to the public  
5                   for purchase; or
- 6                   5.     Ten (10%) percent of the total dwelling units of a Housing Development are  
7                   for transitional foster youth, as defined in section 66025.9 of the Education  
8                   Code, disabled veterans, as defined in section 18541 of the Government  
9                   Code, or homeless persons, as defined in section 11302 of title 42 of the  
10                  United States Code, also known as the McKinney-Vento Homeless  
11                  Assistance Act. The dwelling units described in this subparagraph shall be  
12                  subject to a recorded affordability period of 55 years and shall be provided  
13                  at the same affordability level as very low income dwelling units, as defined  
14                  in section 50105 of the Health and Safety Code.
- 15                  6.     Twenty (20%) percent of the total units for lower income students in a  
16                  student housing development that meets the requirements as provided in  
17                  section 65915(b)(1)(F) of the Government Code.

18                  D.     APPLICATION PROCEDURE.

- 19                  1.     An applicant proposing a Housing Development pursuant to this Section  
20                  that also requires an approved land use permit may submit a Density Bonus  
21                  request to the Planning Director or designee in conjunction with the  
22                  application for the Housing Development project. The request shall be  
23                  processed concurrently with the Housing Development project application,  
24                  and heard by the appropriate hearing body for the Housing Development.
- 25                  2.     An applicant proposing a Housing Development pursuant to this Section  
26                  that does not require an approved land use permit may submit a Density  
27                  Bonus request to the Planning Director. The request shall be considered by  
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1 the Planning Director in accordance with subsection F. below and in  
2 compliance with the California Environmental Quality Act. The Planning  
3 Director shall provide the determination in writing to the applicant.

4 E. DENSITY BONUS CALCULATIONS. The Density Bonus shall be calculated in  
5 accordance with Government Code Section 65915(f) as may be amended from  
6 time to time.

7 F. DENSITY BONUS APPROVAL. The County shall grant the Density Bonus  
8 request for an eligible Housing Development unless the County makes a written  
9 finding, based upon substantial evidence, of any of the following:

10 1. The Density Bonus would have a specific, adverse impact upon public  
11 health and safety, or the physical environment or on any historical property  
12 as provided in Government Code section 65915(d)(1)(B) as may be  
13 amended from time to time.

14 2. The Density Bonus would be contrary to state or federal law.

15 G. DENSITY BONUS AGREEMENT. The applicant shall enter into a Density Bonus  
16 agreement with the County in a form consistent with Government Code Section  
17 65915, as may be amended from time to time, and approved by the Office of  
18 County Counsel. The Density Bonus agreement shall include the applicable  
19 affordability period and be recorded on the lot or lots designated for the  
20 construction of the Target Units prior to final map approval, or, where a map is not  
21 being processed, prior to the issuance of the first building permit.

22 H. INCENTIVES. In addition to the Density Bonus, an applicant who meets the  
23 requirements of this Section may request incentives that result in identifiable and  
24 actual cost reductions to provide affordable housing, as provided in section  
25 65915(k) of the Government Code, as may be amended from time to time.  
26 Incentive examples include, but are not limited to, modifications to site  
27 development standards and architectural design requirements.  
28

- 1 I. INCENTIVE APPROVAL. The County shall grant incentives pursuant to the  
2 provisions of this Section unless the County makes a written finding, based upon  
3 substantial evidence, of any of the following:
- 4 1. The incentive does not result in identifiable and actual cost reductions to  
5 provide for affordable housing or for the setting of rents for Target Units as  
6 provided in section 65915(d)(1)(A) of the Government Code, as may be  
7 amended from time to time.
  - 8 2. The incentive would have a specific, adverse impact upon public health and  
9 safety, or the physical environment or on any historical property as provided  
10 in section 65915(d)(1)(B) of the Government Code, as may be amended  
11 from time to time.
  - 12 3. The incentive would be contrary to state or federal law.
- 13 J. PROJECT DESIGN. Target Units shall be constructed concurrently with market-  
14 rate dwelling units, integrated into the Housing Development and include  
15 comparable infrastructure, construction quality and exterior design to the market-  
16 rate dwelling units.
- 17 K. DEVELOPMENT STANDARDS. The Housing Development shall comply with  
18 the development standards of its zoning classification. If a development standard  
19 has the effect of physically precluding the construction of a Housing Development  
20 meeting the criteria for a Density Bonus or incentive, an applicant may request a  
21 development standard modification as provided in section 65915(e) of the  
22 Government Code, as may be amended from time to time.
- 23 L. PARKING RATIOS. In addition to the Density Bonus, an applicant who meets  
24 the requirements of this Section may request parking ratios as provided in section  
25 65915(p) of the Government Code, as may be amended from time to time.
- 26 M. ADDITIONAL DENSITY BONUS CREDITS.
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1. An applicant who meets the requirements of this Section and includes a child care facility that will be located on the premises of, as part of, or adjacent to the Housing Development may be eligible for an additional Density Bonus or incentive as provided in Government Code section 65915(h) as may be amended from time to time. The County shall not be required to provide a Density Bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities. No additional Density Bonus or incentive shall be granted unless the following requirements are met:

- a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the Target Units are required to remain affordable pursuant to Government Code section 65915(c) as may be amended from time to time; and
- b. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to Government Code section 65915(h) as may be amended from time to time.

2. An applicant for approval to convert apartments to a condominium project in accordance with Government Code section 65915.5, as may be amended from time to time, may be eligible for a Density Bonus or other incentive as provided in Government Code section 65915.5(a), as may be amended from time to time.

1                   3.     An applicant for approval of a commercial development that has entered  
2                   into an agreement for partnered housing as provided in Government Code  
3                   section 65915.7, as may be amended from time to time, may be eligible for  
4                   a development incentive as provided in Government Code section 65915.7,  
5                   as may amended from time to time.”

6                   Section 31.    A new Section 18.55 is added to Article XVIII of Ordinance No. 348 to read as  
7 follows:

8                   “SECTION 18.55.   SUPPORTIVE AND TRANSITIONAL HOUSING.

9                   Supportive and transitional housing as defined in this ordinance are allowed in all zone  
10                  classifications where one family or multiple family dwellings are allowed, and shall be  
11                  subject to the permit process and development standards which governs the category in  
12                  which the supportive or transitional housing falls.”

13                  Section 30.    A new Article XIXI is added to Ordinance No. 348 to read as follows:

14                  “ARTICLE XIXI SINGLE ROOM OCCUPANCY UNITS

15                  SECTION 19.1000.   PURPOSE AND INTENT.

16                  The purpose of this Article is to allow for Single Room Occupancy Units (SROs)  
17                  consistent with Government Code Section 65583(c)(2) to assist in providing affordable  
18                  housing to extremely low, very low, lower, and low income households and to  
19                  appropriately regulate SRO’s to ensure compatibility with surrounding uses and  
20                  properties, and as well as to minimize impacts associated with such uses.

21                  SECTION 19.1001.   APPLICABILITY AND PERMIT REQUIREMENTS.

22                  A.     SROs are a form of housing in which one or two individuals are housed in  
23                  individual permanent resident rooms within a multiple tenant building.

24                  B.     SROs are allowed in the following zone classifications with an approved  
25                  conditional use permit subject to the requirements of this Article and in accordance  
26                  with Section 18.28 of this ordinance: C-1/C-P and MU.

27                  SECTION 19.1002.   SITE LOCATION, OPERATION AND DEVELOPMENT



1                   **STANDARDS.**

2                   The standards set forth below and the standards in Article IX and Article IXf of this  
3 ordinance shall apply to the development of SROs. In the event of a conflict between  
4 standards, the standards set forth below shall apply.

5                   A.       **SEPARATION.** To avoid over-concentration of SROs, there shall be a 300-foot  
6 separation requirement as measured from the nearest outside building walls  
7 between a proposed SRO and any other SRO.

8                   B.       **COMPATIBILITY.** The design of the SRO shall be compatible with the character  
9 of the surrounding neighborhood and consistent with any applicable County design  
10 guidelines.

11                  C.       **PARKING AND BICYCLE STORAGE.** On-site parking shall be provided as  
12 required for studio dwelling units pursuant to Section 18.12. of this ordinance.  
13 Bicycle stalls shall be provided at a minimum of one stall per 5 units in a secured  
14 and enclosed and covered area.

15                  D.       **COMMON SPACE.** A minimum of 10 square feet per unit, or 250 square feet,  
16 whichever is greater, shall be provided for interior common space. Dining rooms,  
17 meeting rooms, recreational rooms and other similar areas may be considered  
18 common areas. Shared bathrooms kitchens, storage, laundry facilities and common  
19 hallways shall not be considered common areas.

20                  E.       **FLOOR AREA.** An SRO unit shall be a minimum of one hundred fifty (150)  
21 square feet in floor area and up to a maximum of four hundred (400) square feet in  
22 floor area, including bathroom and kitchen facilities.

23                  F.       **LAUNDRY FACILITIES.** Laundry facilities shall be provided in a separate area  
24 within the SRO project at the ratio of one (1) washer and one (1) dryer for every  
25 twenty (20) units or fractional number thereof.

26                  G.       **KITCHEN FACILITIES.** Each unit shall include a kitchen sink serviced with hot  
27 and cold water, a garbage disposal, and a counter top measuring a minimum of 18  
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1 inches wide by 24 inches deep. A complete kitchen facility available for all  
2 residents shall be provided on each floor of the structure, if all individual SRO  
3 units is are not provided with a minimum of a refrigerator and a microwave oven.

4 H. BATHROOM FACILITIES. For each SRO unit, a private toilet shall be provided  
5 in an enclosed room with a door having a minimum of 15 square feet in area. If  
6 private bathing facilities are not provided for each SRO unit, shared shower or  
7 bathtub facilities shall be provided at a ratio of one such facility for every seven  
8 units or fraction thereof. The shared shower or bathtub facility shall be on the same  
9 floor as the SRO units it is intended to serve and shall be accessible from a  
10 common area or hallway. Each shared shower or bathtub facility shall be provided  
11 with an interior lockable door.

12 I. MANAGEMENT PLAN. An SRO project shall submit a management plan, along  
13 with the appropriate review fee as set forth in Ordinance No. 671, for review and  
14 approval by the County prior to issuance of the first building permit. The  
15 management plan shall contain management policies, operations, emergency  
16 procedures, number of residents per SRO unit permitted, overnight guest policy,  
17 security program including video cameras monitoring building access points at  
18 every floor, rental procedures that allow for monthly tenancies and proposed rates,  
19 maintenance plans, staffing needs, tenant mix, selection and regulations. Income  
20 levels shall be verified in writing and provided to the County by a third party.

21 J. SRO MANAGER. An on-site 24-hour manager is required for a SRO project.  
22 The manager's unit shall be at least 300 square feet with its own kitchen and bath  
23 facilities.

24 K. INCOME RESTRICTED UNITS. All units in an SRO project shall be deed  
25 restricted to extremely low, very low, lower and low income households as such  
26 income restrictions are defined in the Riverside County's General Plan Housing  
27 Element and Health and Safety Code Sections 50079.5, 50093, 50105 and 50106,  
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1 as may be amended from time to time, with the only exception being the 24-hour  
2 on-site manager. When accompanied by the appropriate review fee as set forth in  
3 Ordinance No. 671, such deed restriction shall be reviewed and approved by the  
4 Office of County Counsel and recorded prior to issuance of a building permit for  
5 the construction of the SRO project.

6 L. ANNUAL REVIEW OF MANAGEMENT PLAN. Each SRO project shall  
7 annually provide a report of Compliance with its management plan to be prepared  
8 by a qualified third party who is approved by the County. Such report shall be  
9 accompanied by the appropriate review fee as set forth in Ordinance No. 671.

10 M. DISABILITY ACCESS. Disability access facilities shall be provided as may be  
11 required pursuant to federal, state and county laws and regulations. At a  
12 minimum, one disabled accessible unit shall be required for every 20 units.

13 N. RESTRICTION ON NUMBER OF RESIDENTS. No more than 2 residents shall  
14 be permitted to reside in each SRO unit.”

15 Section 32. Section 21.1a. of Article XXI of Ordinance No. 348 is amended to read as follows:

16 “SECTION 21.1a. ACCESSORY BUILDING.

17 A subordinate building on the same lot or building site, the use of which is incidental to  
18 that of the principal building. A mobilehome shall constitute a principal building where  
19 installed as provided in Section 19.77 of Section 19.79 of this ordinance. An accessory  
20 dwelling unit, as defined by state law and this ordinance, shall not constitute an accessory  
21 building.”

22 Section 33. A new section 21.1b. is added to Article XXI of Ordinance No. 348 to read as  
23 follows:

24 “SECTION 21.1b. ACCESSORY DWELLING UNIT.

25 An attached or detached residential dwelling unit which provides complete independent  
26 living facilities for one or more persons that includes permanent provisions for living,  
27 sleeping, eating, cooking, and sanitation on the same lot as the one family dwelling is  
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1 situated. Accessory Dwelling Units include efficiency units as defined in Section 17958.1  
2 of the Health and Safety Code and manufactured homes as defined in Section 18007 of the  
3 Health and Safety Code.

4 Section 34. A new Section 21.32c. is added to Article XXI of Ordinance No. 348 to read as  
5 follows:

6 "SECTION 21.32c. EMPLOYEE HOUSING

7 As defined in Health and Safety Code section 17008, housing accommodations provided  
8 by an employer for five or more employees that are maintained or connected with any  
9 work or place where work is performed. Employee housing also includes housing  
10 accommodations or property located in a rural area, as defined by Health and Safety Code  
11 section 50101, provided by someone other than agricultural employer for five or more  
12 agricultural employees that are not maintained or connected with work or workplace.  
13 Housing accommodations may consist of any living quarters, dwelling, boardinghouse,  
14 tent, bunkhouse, maintenance of way car, mobilehome, manufactured home, recreational  
15 vehicle, travel trailer, or other accommodations maintained in one or more buildings or  
16 one or more sites."

17 Section 35. A new Section 21.70b. is added to Article XXI of Ordinance No. 348 to read as  
18 follows:

19 "SECTION 21.70b. SUPPORTIVE HOUSING.

20 As defined by Health and Safety Code Section 50675.14, as may be amended from time to  
21 time, housing with no limit on length of stay that is occupied by persons with disabilities,  
22 families who are homeless as defined by Title 42 of the United States Code or homeless  
23 youth as defined by Section 11139.3 of the California Government Code that is connected  
24 to onsite or offsite services related to obtaining housing, improving health, or obtaining  
25 work."

26 Section 36. A new Section 21.71a. is added to Article XXI of Ordinance No. 348 to read as  
27 follows:

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“SECTION 21.71a. TRANSITIONAL HOUSING.

As defined by Health and Safety Code Section 50675.2, as may be amended from time to time, rental housing provided to eligible recipients on an interim basis not less than six months.”

Section 37. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 38. This Ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE OF CALIFORNIA

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy

(SEAL)

APPROVED AS TO FORM  
May \_\_, 2019

By: \_\_\_\_\_  
Michelle Clack  
Chief Deputy County Counsel

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE VIIIg R-7 ZONE (HIGHEST DENSITY RESIDENTIAL)**

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**ARTICLE VIIIg R-7 ZONE (HIGHEST DENSITY RESIDENTIAL)**

**SECTION 8.301. PURPOSE AND INTENT.**

~~It is the intent of the Board of Supervisors in enacting the R-7 Zone to establish a specialized zone that will accommodate the County of Riverside's share of the regional housing need as determined by the Southern California Association of Governments. The R-7 Zone shall only apply to those parcels identified with the R-7 Zone in Ordinance No. 348.4841 for Change of Zone No. 7902 and utilized to satisfy the County's share of the regional housing need for groups of all household income levels. The following regulations shall apply in the R-7 Zone.~~

The purpose of this article is to establish the Highest Density Residential (R-7) Zone, intended to implement the Highest Density Residential land use designation of the Riverside County General Plan and provide a higher range of density, in order to accommodate the County's Regional Housing Needs Assessment (RHNA) allocation.

**SECTION 8.302. PERMITTED USES.**

A. The following uses shall be permitted in the R-7 Zone:

1. One family dwelling, on an existing legal lot
2. Home occupations
- ~~4.3. Multiple family dwellings~~
- ~~2.4. Apartment houses~~<sup>[FR1]</sup>Community gardens

B. The following uses shall be permitted provided a plot plan has been approved pursuant to the provisions of section 18.30 of this Ordinance.

1. Boarding, rooming and lodging houses
2. Child day care centers
3. Churches, temples and other places of religious worship
4. Libraries, museums and art galleries
5. Public and private parks and playgrounds

C. The following uses shall be permitted provided a conditional use permit has been approved pursuant to the provisions of section 18.28 of this Ordinance.

1. Mobile home parks

D. Any use that is not specifically listed in subsections B. or C. may be considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed



**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE VIIIg R-7 ZONE (HIGHEST DENSITY RESIDENTIAL)**

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use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.

**SECTION 8.303. DEVELOPMENT STANDARDS IN THE R-7 ZONE.**

The following development standards shall apply in the R-7 Zone.

~~A.—Any The following development standards shall apply to non-residential development:~~

- ~~1. LOT AREA. There is no minimum lot area requirement.~~
- ~~2. LOT WIDTH. There is no minimum lot width requirement.~~
- ~~3. LOT COVERAGE. There is no maximum lot coverage.~~
- ~~4. SETBACKS. There are no setback requirements for buildings which do not exceed thirty five feet in height. Any portion of a building that exceeds thirty five feet in height shall be setback from the front, rear and side lot lines not less than two feet for each foot by which the height exceeds thirty five feet.~~
- ~~5. HEIGHT. No building or structure shall exceed fifty feet (50'), unless a greater height is approved pursuant to section 18.34 of this Ordinance. In no event, shall a building or structure exceed seventy five (75') in height unless a variance is approved pursuant to Section 18.27 of this Ordinance.~~
- ~~6. ROOF EQUIPMENT. All roof mounted mechanical equipment shall be screened from the ground elevation view to a minimum sight distance of 660 feet.~~
- ~~7. ENCROACHMENTS. No yard encroachments shall be permitted in the front, side or rear yard except as provided in Section 18.19 of this Ordinance.~~

~~B.—The following development standards shall apply to attached residential development:~~

- ~~1. LOT AREA. There is no minimum lot area requirement.~~
- ~~2. LOT WIDTH. There is no minimum lot width.~~
- ~~3. LOT COVERAGE. A maximum of 60 percent of the area of a lot may be occupied by buildings.~~
- ~~4. COMMON RECREATIONAL OPEN SPACE.~~
  - ~~a.—Development with one hundred (100) residential dwellings or less shall provide two hundred square feet (200') of common useable recreational open space per residential dwelling such as, but not limited to, pools, gyms, parks and recreational facilities.~~

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE VIIIg R-7 ZONE (HIGHEST DENSITY RESIDENTIAL)**

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~~b. Development with more than one hundred (100) residential dwellings shall provide one hundred square feet (100') of common useable recreational open space per residential dwelling such as, but not limited to, pools, gyms, parks and recreational facilities.~~

~~5. INDIVIDUAL USEABLE OPEN SPACE. A residential dwelling shall include at least two hundred square feet (200') of contiguous or non-contiguous useable open space, such as patios or balconies, which is not encumbered with structures. At least one hundred square feet (100') of useable open space shall be attached to the residential dwelling. No length or width of the useable open space shall be less than eight feet (8').~~

~~6. BUILDING SEPARATION.~~

~~a. Any one-story building containing residential dwellings shall be separated by a minimum of ten (10) feet from any other one-story building containing residential dwellings on the same lot.~~

~~b. Any two-story building containing residential dwellings shall be separated by a minimum of fifteen (15) feet from any other building with residential dwellings on the same lot.~~

~~c. Buildings with residential dwellings above two stories shall be separated by a minimum of twenty (20) feet from any other building with residential dwellings.~~

~~7. HEIGHT.~~

~~a. Except when adjacent to existing one-family dwellings or property zoned R-1 (One-Family Dwellings), the maximum height for buildings or structures shall be seventy-five feet (75') unless a greater height is approved pursuant to section 18.34 of this Ordinance. In no event, shall a building or structure exceed one hundred feet (100') unless a variance is approved pursuant to Section 18.27 of this Ordinance.~~

~~b. The maximum height for buildings or structures adjacent to existing one-family dwellings or property zoned R-1 (One-Family Dwellings) shall be fifty feet (50').~~

~~8. ENCROACHMENT. No yard encroachment shall be permitted in the front, side or rear yard except as provided for in Section 18.19 of this Ordinance.~~

~~C. The following development standards shall apply to detached residential development:~~

~~1. LOT AREA. There is no minimum lot area requirement.~~

~~2. LOT WIDTH. There is no minimum lot width.~~

~~3. LOT COVERAGE. There is no maximum lot coverage.~~

~~4. COMMON RECREATIONAL OPEN SPACE.~~

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE VIIIg R-7 ZONE (HIGHEST DENSITY RESIDENTIAL)**

---

- ~~a. Development with one hundred (100) residential dwellings or less shall provide two hundred square feet (200') of common useable recreational open space per residential dwelling such as, but not limited to, pools, gyms, parks and recreational facilities.~~
- ~~b. Development with more than one hundred (100) residential dwellings shall provide one hundred square feet (100') of common useable recreational open space per residential dwelling such as, but not limited to, pools, gyms, parks and recreational facilities.~~
- ~~5. INDIVIDUAL USABLE OPEN SPACE. A residential use shall include at least two hundred square feet (200') of attached useable open space, such as patios or balconies, which is not encumbered with structures. No length or width of the useable open space shall be less than eight feet (8').~~
- ~~6. BUILDING SEPARATION. The minimum distance between buildings on three (3) sides shall be five feet (5') and eight feet (8') on the remaining side.~~
- ~~7. HEIGHT. The maximum building height shall be forty feet (40').~~
- ~~8. ENCROACHMENT. No yard encroachment shall be permitted in the front, side or rear yard except as provided for in Section 18.19 of this Ordinance.~~
- A. Lot size. There is no minimum lot size.
- B. Lot width: There is no minimum lot width.
- C. Lot depth: There is no minimum lot depth.
- D. Frontage: There is no minimum frontage.
- E. Height: The maximum height of any buildings or structures shall be no greater than 50 feet.
1. Screening. All roof-mounted equipment, excluding solar panels, shall be screened from the ground elevation view to a minimum sight distance of 660 feet for residential building and 1,FR2|320 feet for nonresidential buildings.
- F. Lot coverage: There is noFR3| maximum lot coverage.
- G. Front setback: There is no front setback requirement, except for one family dwelling building(s) or associated structure(s), which shall have a minimum front setback of no less than 20 feet.
- H. Side setback: There is no side setback requirement, except for one family dwelling building(s) or associated structure(s), which shall have a minimum side setback of no less

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE VIIIg R-7 ZONE (HIGHEST DENSITY RESIDENTIAL)**

---

than 5 feet and except for a site that abuts a residential zone, in which case, the setback shall be the same as the adjacent residential zone.

- I. Rear setback: There is no rear setback requirement, except for one family dwelling building(s) or associated structure(s), which shall have a minimum rear setback of no less than 15 feet and except for a site that abuts a residential zone, in which case, the setback shall be the same as the adjacent residential zone.
- J. Open space: There is no minimum landscape area requirement. However, other open space requirements apply as follows:
1. Common Use Area. A common use area (CUA) is a recreational open space area, such as park, sport field, pool, gym, or passive recreational area, located on the same lot(s) as the primary use. Any development with more than ten (10) residential dwelling units shall provide at least one hundred square feet (100 ft<sup>2</sup>) of CUA for each unit above ten (10) units. A ten percent (10%) reduction of this requirement may be applied to developments that provide affordable housing units or more than two hundred (200) dwelling units.
  2. Private Open Area. A private open area (POA) is a private open space area that is not encumbered with structures, such as a patio or balcony, either attached or contiguous to a dwelling unit. Any development with multiple family units shall provide at least fifty square feet (50ft<sup>2</sup>) of POA per unit.
- K. Site requirements:
1. Refuse and recyclable material storage area. A refuse and recyclable material storage area shall be provided for any new development, or existing development that will add 30 percent or more units and/or floor area. This area must be enclosed and have adequate separation from any habitable areas. This area shall be screened using landscape or architectural features.
  2. Encroachments. No setback or yard encroachments are permitted, except as provided in Section 18.19 of this Ordinance.
  3. Lighting. All lighting shall be focused, directed and/or arranged to prevent glare or direct illumination on residential uses.
  4. Parking. Off-street parking shall be provided pursuant to Section 18.12 of this Ordinance.

**SECTION 8.304. DEVELOPMENT DESIGN AND PHASING.**

- A. PHASING PLAN. For phased developments, a site development phasing plan shall be submitted with the land use application and include maps, exhibits and a description of the following: phasing for development and infrastructure, and the development of multi-modal

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE VIIIg R-7 ZONE (HIGHEST DENSITY RESIDENTIAL)**

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transportation connectivity with the neighborhood and adjoining community areas.

- B. **DESIGN REVIEW.** For multiple family dwellings ~~and apartment houses~~, a site design plan shall be submitted to the Planning Director for review and shall include the following:
1. Building footprint
  2. Floor plans
  3. Landscape plan
  4. Wall and fencing plan
  5. Elevation plan
  6. Architectural design
  7. Photometric plan, as necessary
  8. Traffic analysis
- C. **PUBLIC REVIEW PERIOD.** A thirty (30) day public review period shall be provided prior to the Planning Director considering the site design plan submitted for multiple family dwellings or apartment homes. Notice of the public review period shall be given in the same manner as provided in Section [18.26.c](#) subsections (2), (4), (5), (6) and (7) of this ordinance. The notice shall include the mailing address to send comments to, the dates for the public review period, location where the site design plan may be reviewed, and explain that the public may comment on the site design plan for the multiple family dwellings or apartments. The Planning Director shall consider any public comments received on the site design plan.
- D. **DESIGN APPROVAL.** The above referenced site design plan shall be approved by the Planning Director if the site design plan is consistent with all of the following:
1. The Riverside County General Plan;
  2. This Ordinance;
  3. The Countywide Design Guidelines;
  4. There is no specific, adverse impact upon the public health or safety. A specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete; or
  5. If there is a specific adverse impact upon the public health or safety, the development has been conditioned to develop at a lower density which removes the specific adverse impact.

Added Effective:

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE VIIIg R-7 ZONE (HIGHEST DENSITY RESIDENTIAL)**

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Ord. 348.4840- Item 16-1 of 12/06/16 (Effective date: 01/05/17)



ORDINANCE NO. 348.XXXX  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE  
PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.  
ARTICLE IXf MU ZONE (MIXED USE)

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ARTICLE IXf MU ZONE (MIXED USE)

**SECTION 9.85. PURPOSE AND INTENT.**

~~It is the intent of the Board of Supervisors in enacting the MU to establish a zone to assist the County in accommodating its share of the regional housing need as determined by the Southern California Association of Governments along with implementing the Mixed Use Area Land Use Designation in the General Plan by providing regulations for a mixture of residential, commercial, office, entertainment, recreational and other uses. The MU Zone shall only apply to land with a General Plan Mixed Use Area Land Use Designation or within an approved Specific Plan. The following regulations shall apply in the MU Zone.~~

~~The purpose of this article is to establish the Mixed Use ("MU") Zone to promote a mix of land uses and to facilitate development that offer a combination of housing, employment, and commercial opportunities, which encourage "active transportation" such as walking, biking and use of transit, while still allowing for other modes of transportation. The MU Zone is intended to implement the Mixed-Use Area ("MUA") land use designation of the General Plan, which assists the County in accommodating its share of the regional housing needs assessment ("RHNA") allocation, pursuant to the Housing Element.~~

Commented [FR1]: Updated 2 28 19

**SECTION 9.86. USES PERMITTED.**

A. The following uses shall be permitted in the MU Zone:

1. One family dwellings, on an existing legal lot
- ~~2. Multiple family dwellings that do not include a non-residential use~~
- ~~2.~~
3. Home occupation
4. Public parks, play grounds, trails, and plazas
5. Community gardens

Commented [FR2]: Updated 2 28 19

B. The following uses shall be permitted provided a plot plan has been approved pursuant to provisions of section 18.30 of this Ordinance. In the event a development includes a combination of uses that are permitted with a plot plan and conditional use permit, the development shall be processed in accordance with Section 9.86.C. of this article.

1. Animal hospitals, not including any outdoor facilities
2. Antique shops

ORDINANCE NO. 348.XXXX  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE  
PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.  
ARTICLE IXf MU ZONE (MIXED USE)

---

3. Art supply shops and studios
4. Artisan or novelty stores
5. Bakery shops, including baking only when incidental to retail sales on the premises
6. Banks and financial institutions
7. Barber and beauty shops
8. Book stores
9. Business and Professional Schools
10. Cellular telephone sales and service

11. Check Cashing Business

~~11-12. Churches, temples, and other places of religious worship~~

~~12-13. Clothing Dry Cleaners~~

~~13-14. Clothing stores~~

~~14-15. Community and Civic Centers~~

~~15-16. Computer sales and service~~

~~16. Combined Live/Work Development~~

17. Day care centers

18. Delicatessens

19. Drug stores

20. Florist shops

21. Gift shops

22. Grocery Stores

23. Hardware stores

24. Health and fitness facility, indoor

**Commented [FR3]:** New to this section, new "use" is similar to existing uses permitted with plot plans [minor change]

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IXf MU ZONE (MIXED USE)**

---

~~24-25.~~ Household Furniture or Appliance Stores

~~25-26.~~ Internet cafes and internet gaming facilities

~~26-27.~~ Jewelry stores with incidental repairs

~~27-28.~~ Laundries and laundromats

~~28-29.~~ Medical Offices

~~29-30. Multiple family dwellings that include a non-residential use~~  
~~Multiple family dwelling with non-residential uses listed in Subsection B.~~

Commented [FR4]: Updated 2 28 19

~~30-31.~~ Museums and libraries

~~31-32.~~ Nurseries and garden supply stores

~~32-33.~~ Paint and wall paper stores

~~33. Parking lots and parking structures~~

Commented [FR5]: Moved to CUP section

34. Pet shops and pet supply shops

35. Photography shops and studios and photo engraving

36. Plumbing shops, not including plumbing contractors

37. Post services

38. Restaurants and other eating establishments

39. Shoe stores and repair shops

40. Sporting goods stores

41. Tailor shops

42. Tobacco or Hookah shops

43. Tourist information centers

44. Toy shops

- C. The following uses shall be permitted provided a conditional use permit has been approved pursuant to the provisions of section [18.28](#) of this Ordinance:

ORDINANCE NO. 348.XXXX  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE  
PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.  
ARTICLE IXf MU ZONE (MIXED USE)

---

1. Animal hospitals and veterinary office, with outdoor facilities
  2. Bars and cocktail lounges
  3. Billiard and pool halls
  4. Catering services
  5. Convenience stores
  - ~~4-6~~ Film, dental, medical, research, and testing laboratories
  - ~~5-7~~ Hotels, resort hotels and motels
  - ~~6-8~~ Indoor ~~E~~entertainment and recreation Facility
  - ~~7-9~~ Indoor Health and Fitness Facility Liquor stores pursuant to the provisions of section 18.48 (Alcoholic Beverage Sales) of this ordinance Commented [FR6]: Moved to PP section
  - ~~10~~ Motor vehicle fuel service stations, with or without the concurrent sale of beer and wine for off-premises consumption Mobilehome parks, pursuant to section 19.91 of this ordinance
  - ~~8-11~~ Multiple family dwelling with non-residential uses listed in Subsection C. Commented [FR7]: Updated 2 28 19
  - ~~9-12~~ Private Academic Facility
  - ~~13~~ Special occasion facility Commented [FR8]: New use with CUP
  - ~~10-14~~ Theaters and Auditoriums
  - ~~11~~ Liquor stores pursuant to the provisions of section 18.48 (Alcoholic Beverage Sales) of this Ordinance. Commented [FR9]: Moved up to #9
- D. SAME CHARACTER AND INTENSITY. Any use that is not specifically listed in subsections B. or C. may be considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IXf MU ZONE (MIXED USE)**

---

**SECTION 9.87. DEVELOPMENT STANDARDS IN THE MU ZONE.**

~~A. ALL USES. The following development standards shall apply to all uses in the MU Zone:~~

~~1. MIXED USE.~~

~~a. Residential dwellings may be provided on upper levels of commercial or office buildings or may be provided in separate buildings adjacent to commercial or office buildings.~~

~~2. PUBLIC USE.~~

~~a. Any building over thirty thousand square feet (30,000') shall include a public use area such as public park, plaza or square.~~

~~b. Public use areas shall be located next to public streets, residential areas or retail uses and does not include the public right-of-way.~~

~~3. GROUND FLOOR. No more than fifty percent (50%) of all ground floor mixed use buildings may be residential dwellings.~~

~~4. TRANSPARENCY. The retail portion of any commercial building that has a street facing wall with customer access shall have at least fifty percent (50%) of the total wall area transparent with clear windows. Such windows shall allow views of the indoor space or display areas and start at least three feet (3') above the adjacent sidewalk, but not exceed ten feet (10') in height.~~

~~5. STREET ORIENTATION. Commercial and mixed use buildings shall be oriented so functional pedestrian entrances face the street, and parking areas are located mostly underground or to the rear or side of the building.~~

~~6. ENTRANCES. Buildings shall have an entrance door facing the public sidewalk, which may include doors to individual shops, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances.~~

~~7. PEDESTRIAN PATHS. Pedestrian paths shall be provided to connect commercial building entries with adjacent streets, uses and parcels.~~

~~8. BUILDING DESIGN.~~

~~a. Building facades shall be varied and articulated to provide visual interest to pedestrians which may be accomplished by incorporating offsetting plans, changes in wall texture and color, architectural elements and landscaping into the design of the buildings.~~

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IXf MU ZONE (MIXED USE)**

---

- ~~b. Except for detached residential dwellings, buildings shall include at least one architectural projection that is at minimum two percent (2%) higher than the primary structure but does not exceed twenty feet (20').~~
- ~~9. STREET PATTERN. The street system shall be in a grid pattern or modified grid pattern emphasizing interconnected streets and the ability to reach local destinations without crossing major streets or primary arterials.~~
- ~~10. LOT AREA. There is no minimum lot area.~~
- ~~11. LOT WIDTH. There is no minimum lot width.~~
- ~~12. LOT COVERAGE. There is no maximum lot coverage.~~
- ~~13. SETBACKS.~~
- ~~a. Building facades shall be no more than fifteen feet (15') from the street side property lines.~~
- ~~b. No interior side setbacks are required, except when the MU zone property abuts a residential zoned property in which case the minimum side setback required in the MU zone shall be the same as required for a residential use on the abutting residential zoned property.~~
- ~~14. HEIGHT.~~
- ~~a. Except when adjacent to existing one family dwellings or property zoned R-1 (One-Family Dwellings), the maximum height for buildings or structures shall be seventy-five feet (75') unless a greater height is approved pursuant to section 18.34 of this Ordinance. In no event, shall a building or structure exceed one hundred feet (100') in height unless a variance is approved pursuant to Section 18.27 of this Ordinance.~~
- ~~b. The maximum height for buildings or structures adjacent to existing one family dwellings or property zoned R-1 (One-Family Dwellings) shall be fifty feet (50').~~
- ~~c. Commercial floor space provided on the ground floor of a mixed use building shall have a minimum floor to ceiling height of eleven feet (11').~~
- ~~15. ROOF MOUNTED EQUIPMENT SCREENING. Except for solar energy systems, all roof mounted mechanical and other equipment shall be screened from the ground elevation view to a minimum sight distance of 660 feet.~~



**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IXf MU ZONE (MIXED USE)**

---

~~16. TRASH AREAS. Trash collection areas shall be screened by landscaping or architectural features in such a manner as not to be visible from a public street or from any adjacent residential development.~~

~~17. ENCROACHMENTS. No yard encroachment shall be permitted in the front, side or rear yard except as provided for in Section ~~18.19~~ of this Ordinance.~~

~~18. LIGHTING. All lighting fixtures, including spot lights, electrical reflectors and other means of illumination for signs, buildings, landscaping, parking, loading, unloading and similar areas, shall be focused, directed and arranged to prevent glare or direct illumination on residential uses.~~

~~B. RESIDENTIAL USES. In addition to the development standards in Section 0.87 subsection A., the following development standards shall apply to residential uses:~~

~~1. BUILDING ORIENTATION. One family dwellings shall be designed to have the front door to each home closer to the street than the garage door and garage doors shall not face the street.~~

~~2. BUILDING SEPARATION. For detached residential dwellings, the minimum distance between buildings on three (3) sides shall be five feet (5') and eight feet (8') on the remaining side.~~

~~3. COMMON RECREATIONAL OPEN SPACE.~~

~~a. Development with one hundred (100) residential dwellings or less shall provide two hundred square feet (200') of common useable recreational open space per residential dwelling such as, but not limited to, pools, gyms, parks and recreational facilities.~~

~~b. Development with more than one hundred (100) residential dwellings shall provide one hundred square feet (100') of common useable recreational open space per residential dwelling such as, but not limited to, pools, gyms, parks and recreational facilities.~~

~~4. INDIVIDUAL USEABLE OPEN SPACE. A residential dwelling shall include at least two hundred square feet (200') of contiguous or non-contiguous useable open space, such as patios or balconies, which is not encumbered with structures. At least one hundred square feet (100') of useable open space shall be attached to the dwelling. No length or width of the useable open space shall be less than eight feet (8').~~

A. Lot size. There is no minimum lot size.

B. Lot width. There is no minimum lot width.

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IXf MU ZONE (MIXED USE)**

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C. Lot depth: There is no minimum lot depth.

D. Frontage: There is no minimum frontage.

E. Height: The maximum height of any buildings or structures shall be no greater than 50 feet. Ground floor commercial retail shall have a minimum ceiling height of 11 feet, measured from foundation to finished ceiling.

1. Screening. All roof-mounted equipment, excluding solar panels, shall be screened from the ground elevation view to a minimum sight distance of 660 feet for residential building and 1,320 feet for nonresidential buildings, including mixed-use buildings.

Commented [FR10]: Updated 2/28/19

F. Lot coverage: There is no maximum lot coverage.

G. Front setbacks: There is no front setback requirement, except for one family dwelling building(s) or associated structure(s), which shall have a minimum front setback of no less than 25 feet.

H. Side setbacks: There is no side setback requirement, except for one family dwelling building(s) or associated structure(s), which shall have a minimum side setback of no less than 5 feet and except for a site that abuts a residential zone, in which case, the setback shall be the same as the adjacent residential zone.

I. Rear setbacks: There is no rear setback requirement, except for one family dwelling building(s) or associated structure(s), which shall have a minimum rear setback of no less than 15 feet and except for a site that abuts a residential zone, in which case, the setback shall be the same as the adjacent residential zone.

J. Open space: [There is no minimum landscape area requirement. However, other open space requirements apply as follows:

Commented [FR11]: Updated 2/28/19

1. Public Use Area. A public use area (PUA) is an urban and public open space area, such as a plaza, square or court, located on the same lot(s) as the primary use and used as a gathering place or pedestrian linkage to buildings. Any development with a one or more nonresidential building(s) with 30,000 square feet or greater of floor area shall provide at least one PUA that is adjacent to public streets or ground floor retail or commercial uses.

Commented [FR12]: Updated 2/28/19

2. Common Use Area. A common use area (CUA) is a recreational open space area, such as park, sport field, pool, gym, or passive recreational area, located on the same lot(s) as the primary use. Any development with more than ten (10) residential dwelling units shall provide at least one hundred square feet (100 ft<sup>2</sup>) of CUA for each unit above ten (10) units. A PUA, pursuant to Subsection J.1, may be used to fulfill the CUA requirement. A ten percent (10%) reduction of this requirement may be applied to

Commented [FR13]: Updated 2/28/19

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IXf MU ZONE (MIXED USE)**

---

developments that provide affordable housing units or more than two hundred (200) dwelling units.

3. Private Open Area. A private open area (POA) is a private open space area that is not encumbered with structures, such as a patio or balcony, either attached or contiguous to a dwelling unit. Any development with multiple family units shall provide at least fifty square feet (50ft<sup>2</sup>) of POA per unit.

**K. Site requirements:**

1. Any mixed-use building shall provide ground floor retail or commercial uses for at least 50% of ground floor units that front a public street, sidewalk, or public use area at the time of developed. Ground floor retail or commercial units may be changed to residential dwelling units upon change of tenancy.
2. Any ground floor retail or commercial units shall have transparent walls on at least 50% of the wall area that fronts a public street, side walk, or public use area.
3. Refuse and recyclable material storage area. A refuse and recyclable material storage area shall be provided for any new multiple family, mixed-use, or commercial development, or existing multiple family mixed-use, or commercial development that will add 30 percent or more units and/or floor area. This area must be enclosed and have adequate separation from any habitable areas. This area shall be screened using landscape or architectural features.
4. Encroachments. No setback or yard encroachments are permitted, except as provided in Section 18.19 of this Ordinance.
5. Lighting. All lighting shall be focused, directed and/or arranged to prevent glare or direct illumination on residential uses.
6. Parking. Off-street parking shall be provided pursuant to Section 18.12 of this Ordinance.

Commented [FR14]: Will add a link to 18.12

**SECTION 9.88. DEVELOPMENT DESIGN AND PHASING.**

- A. **PHASING PLAN.** For phased developments, a site development phasing plan shall be submitted with the land use application and include maps, exhibits and a description of the following: phasing for development and infrastructure, and the development of multi-modal transportation connectivity with the neighborhood and adjoining community areas.
- B. **DESIGN REVIEW.** For multiple family dwelling developments ~~that do not include a non-residential use~~, a site design plan shall be submitted to the Planning Director for review and shall include the following:

**ORDINANCE NO. 348.XXXX**  
**AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROVIDING FOR LAND USE**  
**PLANNING AND ZONING REGULATIONS AND RELATED FUNCTIONS.**  
**ARTICLE IXf MU ZONE (MIXED USE)**

---

1. Building footprint
  2. Floor plans
  3. Landscape plan
  4. Wall and fencing plan
  5. Elevation plan
  6. Architectural design
  7. Photometric plan, as necessary
  8. Traffic analysis
- C. **PUBLIC REVIEW PERIOD.** A thirty (30) day public review period shall be provided prior to the Planning Director considering the site design plan submitted for multiple family dwelling developments that do not include a non-residential use. Notice of the public review period shall be given in the same manner as provided in Section [18.26.c](#), subsections (2), (4), (5), (6) and (7) of this ordinance. The notice shall include the mailing address to send comments to, the dates for the public review period, location where the site design plan may be reviewed, and explain that the public may comment on the site design plan for the multiple family dwelling development. The Planning Director shall consider any public comments received on the site design plan.
- D. **DESIGN APPROVAL.** The site design plan referenced above shall be approved if the Planning Director finds the site design plan conforms or is consistent with all of the following:
1. The Riverside County General Plan;
  2. This Ordinance;
  3. The Countywide Design Guidelines;
  4. There is no specific, adverse impact upon the public health or safety. A specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete; or
  5. If there is a specific adverse impact upon the public health or safety, the development has been conditioned to develop at a lower density which removes the specific adverse impact.

## Guerin, John

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**From:** Hersh, Peter  
**Sent:** Tuesday, May 07, 2019 9:40 PM  
**To:** Rull, Paul  
**Cc:** Flores, Robert  
**Subject:** Requirements for Housing Related Land Use Ordinance (348) Amendments  
**Attachments:** 2018 Eight Year Action Plan Update.docx

Paul:

Provided below are the statutory requirements for the proposed housing related 348 amendments...

- Density Bonus – Government Code Sections 65915-65918
  - Single Room Occupancies (SRO) – Government Code Section 65583, particularly 65583(c)(1) and (c)(2)
- Employee Housing – Health and Safety Code Sections 17008, 17021.5, and 17021.6
- Supportive Housing and Transitional Housing – Health and Safety Code Section 50675, particularly 50675.14 and 506.75.2, respectively
- Accessory Dwelling Units – Government Code Section 65852, particularly 65852.1, .150, .2 and .22 (update to existing 348 section)

Equally important, as noted in a prior email, the County made a commitment to move forward with these ordinance amendments in the attached Housing Element Eight Year Action Plan. The Housing Element was certified by the State Housing and Community Development contingent in part upon adoption of these ordinance amendments.

- Density Bonus – Action 1.1g
  - Single Room Occupancies -- Action 3.5b
  - Employee Housing – Action 1.3b
- Supportive Housing and Transitional Housing – Action 1.5c
  - Accessory Dwelling Units – Action 3.5b

Peter

Name of Program	Timeframe in HE	Status of Program Implementation
<p>1.1a: Use funding available for the production and subsidization of lower- and moderate-income housing, priority given to lower income households (including extremely low-, very low, and low-income households). Work with public or private sponsors to identify candidate sites and to make applications to state and federal housing programs for new construction of rental housing for seniors and other special needs, and take all actions necessary to expedite processing and approval of such projects. Utilize public financing tools when available, including but not limited to: multifamily revenue bonds and Community Development Block Grant (CDBG)/Home Investment Partnership Act (HOME) funds to provide low-interest loans, and where feasible, leverage other state and federal financing obtained by the developer (e.g., Low Income Housing Tax Credits [LIHTC], CHFA multifamily housing assistance programs, HCD Multifamily Housing Loans), and other financing available.</p>	<p><b>Time Frame:</b> The County is an entitlement community for CDBG funds. Annually apply for LIHTC, CHFA multifamily housing assistance programs, HCD Multifamily Housing Loans, etc.</p>	<p>The County uses various funding sources to provide for long-term affordability of rental units. Funding sources available to the County in 2017 for the production and subsidization of lower- and moderate-income housing included housing bond proceeds; HUD Home Investment Partnerships (HOME) funds; HUD Neighborhood Stabilization Program (NSP) funds; HCD grants; CalHome; Community Development Block Grant (CDBG); and Housing Choice Voucher Program (HCVP) Project Based Vouchers (PBV).</p> <p>For fiscal year (FY) 2017–18, the County received a federal allocation of \$2,264,790 in HOME funds, which were used for various affordable housing program activities. In 2018, Orange Blossom IV Apartments, located in the unincorporated community of Valle Vista completed acquisition and rehabilitation of 3 dwelling units, with the dwelling units being restricted to very low and low income households.</p>
<p>1.1b: Continue utilization of tax-exempt revenue bonds for the financing of new multifamily construction.</p>	<p><b>Time Frame:</b> As projects come forward, assist with the process of applying for funding on the developer's behalf.</p>	<p>The County did not issue or utilize tax-exempt revenue bonds to finance new construction of multifamily housing in 2018.</p>
<p>1.1c: Continue to utilize federal and state funding programs to assist prospective owners and renters of mobile homes in funding the purchase and/or installment of mobile home units.</p>	<p><b>Time Frame:</b> Annually, or in response to the Notice of Funding Availability (NOFA).</p>	<p>A total of 14 mobile home parks, with approximately 12 units in each park for a total of 164 units, of which 161 units are restricted for low income households, received Redevelopment Agency funding for the purpose of providing rental subsidies to lower-income households. Although the State eliminated redevelopment agencies by statute, property tax redevelopment proceeds continue to be collected for obligations encumbered before the elimination. The subsidies terminate between 2040 and 2059 for these mobile home parks: Aguirre, Arellano, Avila, Barroso, Duarte, Ferro, Hernandez, Hope Ranch, Lopez, McRae, Ramirez, Rodriguez, Vargas, and Villalobos MHP.</p> <p>In 2018, the County's Housing Authority provided financial assistance to facilitate the development and construction of 57 mobile home units restricted to very low income households, of which 7 units were restricted to extremely low income households through the Mobile Home Tenant Loan (MHTL) program funded by housing bonds and CalHome.</p>



Name of Program	Timeframe in HE	Status of Program Implementation
<p>1.1d: Continue to offer fast track/priority processing, gap financing options, density bonus and fee deferral and subsidies (when funding is available) to developers of County-assisted projects proposing new housing, mixed-use or infill projects affordable to lower-income households, farm workers, seniors, and other special needs groups.</p>	<p><b>Time Frame:</b> Ongoing, as projects are processed through the Planning Department.</p>	<p>The County works to defer or reduce development fees when appropriate outside funds are available. For private sector projects, deferred or reduced fees are generally not available because only private sector development fees are used to pay staff time for processing. No General Fund monies are available for that purpose, and none can be anticipated based on revenue projections halfway through FY 2018–19. Current budget forecasts may adversely affect existing staffing levels. However, to support significant affordable and special needs housing projects, the County uses fast-track processing and density bonuses and other incentives pursuant to Government Code Section 65915. But, note that the adoption of the Highest Density Residential and Mixed Use Area General Plan land use designations may obviate the need for density bonus requests, as these designations provide increased flexibility to achieve residential densities. The County has also implemented a process for reviewing SB35-compliant projects.</p> <p>Gap financing options for the development of affordable housing projects are offered upon availability of funding (e.g. HOME funds, housing bond proceeds) through EDA Housing and the Housing Authority.</p>
<p>1.1e: When funding is available, the County shall assist to write down land costs of acquiring sites, offer assistance with land acquisition, and other upfront costs as well as assistance in securing federal or state housing financing resources for projects which reserve a proportion of units affordable to lower-income households (incomes below 80 percent of the County median).</p>	<p><b>Time Frame:</b> Review resources on an annual basis through 2021.</p>	<p>In 2018, the County provided assistance for the acquisition and rehabilitation of the Orange Blossom IV Apartments, located in the unincorporated community of Valle Vista, restricting housing units to very low and low income households. The County will continue to annually review the availability of funding sources for such purposes.</p>
<p>1.1f: Continue to give priority to permit processing for non-County assisted projects providing affordable housing for seniors and other special needs groups when received.</p>	<p><b>Time Frame:</b> Ongoing, as projects are processed through the Planning Department.</p>	<p>The County remains committed to fast-track processing of affordable and special needs residential projects in the affected zoning districts, including the R-7 zone, as provided under the Constraints section of the Housing Element. However, since the Housing Element's October 2017 inception date, no private or special needs projects were proposed which would have been considered for expedited processing.</p>
<p>1.1g: Continue to promote use of density bonus provisions and adopt an ordinance to ensure consistency with state law.</p>	<p><b>Time Frame:</b> Ongoing. Within 6 months of adoption of the Housing Element.</p>	<p>To support significant affordable and special needs housing projects, the County uses fast-track processing and density bonuses and other incentives pursuant to Government Code Section 65915. However, since the Housing Element's October 2017 inception date, no private or special needs projects were proposed which would have been considered for a density bonus in return for providing affordable housing. It should be noted that the R-7 zone, which allows densities of up to 40 units per acre, will likely provide sufficient</p>

Name of Program	Timeframe in HE	Status of Program Implementation
		<p>flexibility regarding the financing for residential projects with affordable units so that consideration of a density bonus may not be needed.</p> <p>Nevertheless, staff has completed drafting an amendment to Ordinance No. 348 that establishes requirements for providing a residential and special needs housing density bonus or other incentives pursuant to Government Code Section 65915. The draft is in County Counsel review with Board of Supervisors adoption expected in June or July 2019.</p>
<p>1.1h: Expand recruitment of Community Housing Development Organizations (CHDOs) under the HOME program.</p>	<p><b>Time Frame:</b> Review on a project by project bases, as projects are proposed.</p>	<p>A Community Housing Development Organization (CHDO) is a private, nonprofit, community-based service organization that has obtained or intends to obtain staff with the capacity to develop affordable housing for the community it serves. As a Participating Jurisdiction (PJ), the County of Riverside must set aside at least 15 percent of HOME allocations for housing development activities in which qualified CHDOs are the owners, developers, and/or sponsors of the housing.</p> <p>In 2018, the Coachella Valley Housing Coalition (CVHC) and the Riverside Housing Development Corporation were certified as CHDOs.</p>
<p>1.1i: The County will encourage the development of housing for extremely low-income households through a variety of activities such as outreach to housing developers on an annual basis, providing financial assistance (when feasible) or in-kind technical assistance or land write-downs, providing expedited processing, identifying grant and funding opportunities, applying for or supporting applications for funding on an ongoing basis, reviewing and prioritizing local funding at least twice in the planning period, and/or offering additional incentives beyond the density bonus. The County of Riverside's Five-Year Consolidated Plan (2014–2018) anticipates assisting a minimum of 11 households to expand the affordable rental housing stock; 11 households to improve the conditions of substandard housing; and 11 households to address farmworker housing needs.</p>	<p><b>Time Frame:</b> Ongoing, as projects are processed, and annual outreach with local developers.</p>	<p>In 2018, the Housing Authority of the County of Riverside provided financial assistance to facilitate the development and construction of 57 mobile home units restricted for very low-income households (7 households were extremely low-income) through the Mobile Home Tenant Loan (MHTL) program funded by housing bonds and CalHome. The Housing Authority of the County of Riverside has partnered with the CVHC to develop and construct an 81-unit affordable multi-family farm worker housing project, Paseo de los Heroes III Apartments, in the unincorporated community of Mecca, restricting 13 units for extremely low-income households and 26 units for very low-income households. The project is currently under construction and is scheduled to be completed and in service by 2019.</p>
<p>1.1j: Due to the dissolution of the Redevelopment Agency, the County will annually explore a variety of new funding and housing and community development activities, such as: SERAF, property transfer tax, commercial linkage and boomerang funds</p>	<p><b>Time Frame:</b> Annually</p>	<p>Since the dissolution of the County's Redevelopment Agency, the Housing Authority, in its capacity as the housing successor to the former Redevelopment Agency for the County of Riverside (HASA), has been working with developers to apply for new funding from the California Department of Housing and Community Development (HCD), including the following programs: Affordable Housing and Sustainable Communities Program (AHSC), CalHome, Housing for a Healthy California (HHC), Housing-Related Parks Program, Infill</p>

Name of Program	Timeframe in HE	Status of Program Implementation
		<p>Infrastructure Grant Program (IIG), Mobile home Park Rehabilitation and Resident Ownership Program (MPRROP), Multifamily Housing Program (MHP), National Housing Trust Fund, No Place Like Home, SB 2 Planning Grants Program, Section 811 Project Rental Assistance, Supportive Housing Multifamily Housing Program (SHMHP), Veterans Housing and Homelessness Prevention Program (VHHP).</p>
<p>1.2a: To ensure the County has enough land and sufficient programs to meet its Regional Housing Needs Allocation (RHNA), once the County has processed the General Plan redesignation and rezoning (action 1.2f), the County will annually monitor the effectiveness of the sites and programs to encourage development, particularly for lower income households. The County will also annually monitor proximity to major transportation corridors and transit nodes with more intensive uses and mixed-use development and an equitable development pattern. Sites and programs such as incentives for small and large sites will be revised upon the outcome of an evaluation. Should additional sites need to be identified, the County can rely on sites located within Appendix P-1a.</p>	<p><b>Time Frame:</b> Annually monitor the effectiveness of the sites inventory and programs and revise upon the outcome of the evaluation. A full review of the inventory will be done with the 2017 Housing Element update.</p>	<p>To facilitate the development of affordable housing, the County has established the Highest Density Residential (HHDR) land use designation allowing between 20 and 40 dwelling units per acre, and a Mixed Use Area (MUA) land use designation allowing for a composite of uses, which maximizes compatibility between residential, commercial, and recreational uses with flexibility for density and intensity of use.</p> <p>Intensification and densification primarily occurs in community planning areas, which are better served with existing surface transit infrastructure systems and have the ability to expand such systems to facilitate the location of affordable housing.</p> <p>The County's experience has been that higher-density residential projects are typically located where densification and intensification is permitted, which is also near transit routes, urbanization, and infrastructure-served unincorporated community plan areas. The residents of such projects are more likely to use public transportation if it is conveniently available, recognizing that the cost factor is usually lower than it is for driving, especially to and from employment.</p> <p>The County will review how the designated sites have been used for development of lower-income housing as part of its next comprehensive 6th Cycle Housing Element update for the period from 2021 to 2029. Preliminary work related to RHNA on the 6<sup>th</sup> Cycle has begun.</p>
<p>1.2b: Where feasible, the County shall work with nonprofits in the development of County-owned sites in planning areas where affordable housing is needed. Combine provision of sites with other subsidy/assistance programs.</p>	<p><b>Time Frame:</b> Annually meet with non-profit developers.</p>	<p>The Housing Authority of the County of Riverside has partnered with various nonprofit affordable housing developers through Exclusive Negotiation Agreements (ENAs) or Disposition and Development Agreements (DDAs) for Housing Authority-owned sites throughout the County. One site is located in the unincorporated community of Oasis (Middleton). The Coachella Valley Housing Coalition (CVHC) entered into an ENA with the Housing Authority to explore development and construction of Middleton, a mixed-use project that includes commercial facilities, affordable rental housing with a preference for farmworker households, and related infrastructure improvements.</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>1.2c: Work with advocate and outreach groups in the Coachella Valley to identify sites suitable for farm worker housing in the Coachella Valley.</p>	<p><b>Time Frame:</b> Continue to meet with the Housing Review Committee quarterly to discuss farmworker housing.</p>	<p>Please see response to Action 1.2b, above.</p>
<p>1.2d: The County will continue to allow for reduced parking requirements for senior and affordable housing projects as well as pursue the following revisions to the County's parking standards to more easily accommodate higher densities on multifamily and mixed-use sites. Further study of these revisions shall be conducted before changes to the Zoning Ordinance are made:</p> <ul style="list-style-type: none"> <li>• Reductions in the number of spaces required for affordable or senior housing projects, if it can be demonstrated that the expected tenants will own fewer cars than the regular standards anticipate – or if spaces will not be “preassigned” to specific units in the project.</li> <li>• Allowances for some of the spaces to be tandem or uncovered, provided that none of the spaces extend into the front yard setback.</li> <li>• Standards for “shared parking” when uses with different peaking characteristics (such as offices and apartments) are combined in a single structure.</li> <li>• Reductions to the space requirements for studio and one-bedroom apartments (presently two spaces per unit).</li> <li>• In addition, the County should explore the feasibility of an ordinance which would prohibit the long-term storage of cars in designated parking spaces in multifamily complexes, thereby ensuring that the spaces remain available for tenant use.</li> </ul> <p>The County will also evaluate the associated costs with the current parking requirements to ensure they are not a constraint on development.</p>	<p><b>Time Frame:</b> Review standards and revise as necessary within two years of adoption of the Housing Element.</p>	<p>The County considers the availability of adequate parking to be key to the success of residential projects. As such, the County has not undertaken a systematic reduction of parking standards and requirements for residential projects. However, affordable and special needs housing projects are evaluated on a case-by-case basis for reduction of parking requirements and site development standards to ensure viability. Examples of parking standard reductions include the number of spaces, consideration of shared parking, inclusion of carports instead of garages, and tandem parking.</p> <p>Current parking requirements are not considered to be a constraint for affordable housing projects; therefore, the County has not revised the current standards. However, the County will comply with SB35 which requires the elimination or reduction of parking requirements from certain affordable and special needs projects including those located in close proximity to transit.</p>
<p>1.2e: The County will provide for the inclusion of mixed-income housing in future new growth areas of the county through development agreements and other mechanisms. To facilitate the development of affordable housing on smaller parcels (50 to 150 units in size), the County will routinely coordinate with property owners and give high priority to processing subdivision maps that include rezoned R-7 sites or affordable housing units. Also, an expedited review process will be available for the subdivision of larger sites into buildable lots where the development application can be found consistent with the</p>	<p><b>Time Frame:</b> Ongoing, as projects are processed through the Planning Department.</p>	<p>In 2017, the County approved the Villages at Lakeview mixed-use project with a development agreement requiring the construction of 873 dwelling units at a density of 20 dwelling units per acre so that rents can be priced to achieve affordability levels. Three CEQA challenge lawsuits have been filed in response to the project approval. To date, one lawsuit has been settled. The two remaining lawsuits are set for oral argument on May 17, 2019. Therefore, implementation will be further delayed especially if the court requires</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>General Plan and applicable Specific Plan.</p>		<p>changes to the project, which must then go through an additional public hearing(s) before approval.</p> <p>Development agreements are typically used for large, multiphase, and long-term buildout projects with the benefit of locking in land use policies and regulations in return for providing public benefits such as affordable housing. In 2018, no residential or mixed use projects were processed with a development agreement.</p> <p>The vesting tentative map has provided the same level of protection against changes to land use policies and regulations for smaller-scale, single-phase residential projects without the need to negotiate for public benefits.</p> <p>The County remains committed to fast-track processing of affordable and special needs residential projects in the affected zoning districts, including the R-7 district, as provided under the Constraints section of the Housing Element.</p>
<p>1.2f: In December 2016 the processed a General Plan redesignation and rezoning for approximately 5,000 acres of land located in 10 area plans to either the Highest Density Residential (HHDR) designation or the Mixed Use Area (MUA) with an R-7 or Mixed Use zoning. All rezoned sites permit owner-occupied and rental multifamily developments by right and do not require a plot plan, conditional use permit, a planned unit development permit, or any other discretionary review. All sites will accommodate a minimum of 20 units per acre and at least 16 units per site, per state law requirements. The County will continue to review the available sites to ensure there is sufficient capacity to meet the RHNA throughout the remainder of the planning period.</p>	<p><b>Time Frame:</b> Ongoing, update as projects are processed through the Planning Department.</p>	<p>On December 6, 2016, the County adopted a Housing Element update covering the period from 2013 through 2021, designating land use areas as Highest Density Residential (HHDR) and Mixed Use Areas (MUA), which include densities of up to 40 units per acre, and a corresponding R-7 zone, which allows the same maximum residential density. With completion of this rezone, the County now has sufficient capacity to meet its 2014–2021 RHNA and 2006–2013 unmet RHNA. The mid-cycle Housing Element update approved in October 2017 maintained these land use regulations to ensure that higher densities continue to be encouraged and achieved.</p>
<p>1.2g: To ensure that there is a sufficient supply of multifamily zoned land to meet the County’s regional housing needs allocation (RHNA), the County will help facilitate lot consolidations to combine small residential lots into larger developable lots by annually meeting with local developers to discuss development opportunities and incentives for lot consolidation to accommodate affordable housing units. As developers/owners approach the County interested in lot consolidation for the development of affordable housing, the County will offer the following incentives on a project by project basis:</p>	<p><b>Time Frame:</b> Ongoing, as projects are processed through the Planning Department. Annually meet with local developers to discuss development opportunities and incentives for lot consolidation.</p>	<p>No lots have been consolidated for the purpose of providing affordable housing. Therefore, the County has not provided any incentives for the purpose of lot consolidation in furtherance of affordable housing.</p> <p>The County is only able to defer or reduce development fees when appropriate outside funding is available. Therefore, for private sector projects, deferred or reduced fees are generally not available because only private sector development fees are used to pay for staff time for processing. No General Fund monies are available for that purpose, and none can be anticipated based on revenue projections halfway through FY 2018–19. Note that current budget</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<ul style="list-style-type: none"> <li>• allow affordable projects to exceed the maximum height limits,</li> <li>• lessen set-backs, and/or</li> <li>• reduce parking requirements.</li> </ul> <p>The County will also consider offsetting fees (when financially feasible) and concurrent/fast tracking of project application reviews to developers who provide affordable housing.</p>		<p>forecasts may adversely affect existing staffing levels However, to support significant affordable and special needs housing projects, the County uses fast-track processing and density bonuses and other incentives pursuant to Government Code Section 65915.</p> <p>Additional fees are assessed for infrastructure programs such as roads, bridges, and traffic signals, as well as for parks, schools, habitat preservation, and environmental mitigation. The assessment of such fees is required by state or local laws. General Fund monies are no longer sufficient to meet infrastructure, public service, and facility needs.</p> <p>The Highest Density Residential (HHDR) land use designation and R-7 zoning district have been established in part to spread the cost of the various fees across a greater number of dwelling units (higher densities), which will have the net effect of reducing fees for individual units.</p>
<p>1.2h: As development is proposed for an unincorporated community, County staff will work closely with the developer and the service provider to facilitate adequate infrastructure to support the development. The County will continue to coordinate with various service providers to ensure adequate infrastructure and services are available to serve proposed development.</p> <ul style="list-style-type: none"> <li>• Continue to coordinate with service providers to assess the needs for infrastructure and services, and plans for expansion. Communicate with service providers as major development applications are received to discuss and pursue plans for future expansion to ensure adequate infrastructure and services are available to meet the County's RHNA consistent with housing development trends.</li> <li>• As part of coordination and communication with service providers, provide assistance as appropriate to encourage infrastructure improvements in communities with infrastructure and service deficiencies.</li> <li>• Seek and support funding applications for infrastructure and service expansions that are consistent with the County's General Plan.</li> <li>• Provide a copy of the adopted Housing Element to the various service providers serving the unincorporated communities and provide assistance to providers to facilitate establishing procedures to grant priority service to the development of housing with units affordable to lower income households.</li> <li>• As part of coordination and communication with service providers, provide assistance as appropriate to encourage</li> </ul>	<p><b>Time Frame:</b> Ongoing 2014- 2021, as projects are processed through the Planning Department. Annually apply for funding, as NOFAs are released.</p>	<p>The roadway improvement component of the County's Transportation Improvement Program is updated biennially, providing for the construction, operation, and maintenance of roads, bridges, and transportation facilities to meet capacity as well as maintenance needs. Roadway improvements are categorized as new facilities and capacity expansion, maintenance/rehabilitation, new bridges, and safety, including associated infrastructure such as traffic signals, sidewalks, bikeways, and drainage. Local funding sources include developer fees, multijurisdictional funds for regional and subregional roads (such as the Transportation Urban Mitigation Fee), special district fees for roads, bridges, and traffic signals, and the Measure A local streets and road program funds derived from sales tax proceeds. In 2018, local funding sources, augmented in certain instances by state and federal funds, continued to be used for roadway capacity and safety enhancements. For 2018 and 2019, the County will be able to use newly appropriated SB1 funds countywide, and including areas in the west and central county which have been identified for new housing development. In 2018, similar to 2017, specific projects included a number of roadway grade separations, new bridges and bridge widenings, new road segments and road widening, new freeway interchanges and interchange widening, a freeway bypass, and a number of multipurpose trail improvements as well as road resurfacing, sealing, and reconstruction. Capital projects may be phased and can have time frames in excess of one year. A total of 258 capital projects are being funded countywide during FY2018-2019. Projects may carry over into FY2019-2020 particularly for freeway interchanges, bridges and new streets.</p> <p>The county's five-year capital projects infrastructure improvements to manage surface water runoff and drainage are provided by the</p>



Name of Program	Timeframe in HE	Status of Program Implementation
<p>infrastructure improvements in communities with infrastructure and service deficiencies. The County will prioritize time and resources to areas of the highest need.</p> <ul style="list-style-type: none"> <li>As funding permits, CDBG and/or HOME funds provide gap financing to affordable projects as a means to reducing the costs of development, including infrastructure improvements. At least annually meet with developers and community stakeholders to discuss and pursue or support additional funding resources.</li> <li>Annually explore and pursue funding opportunities for area plan updates as necessary to promote development within existing communities with active transportation and access to services and amenities.</li> </ul>		<p>Riverside County Flood Control and Water Conservation District. Capital improvement projects currently identified include repair and maintenance of drainage channels, creeks and rivers; drainage improvements; repair and maintenance of dam structures, enhancement of ground water recharge areas; new and enhanced water conservation areas; installation, repair and maintenance of underground drainage lines; floodplain maintenance; and storm drain clearance. These drainage projects are located countywide to meet capacity needs and maintenance to provide for public health and safety. Project funding is primarily through property and sales tax revenue in the General Fund. Limited funding is also provided through area drainage plan fees imposed on development projects and by other government entities. A total of 52 projects are being funded countywide during FY 2018–19. An additional 51 projects are to be commenced during FY2019-23.</p> <p>It should be noted that the County provides for road and flood control facility improvements, as noted above. Other services such as water and sewer are provided by various countywide service districts, which are responsible for determining their own service and related infrastructure needs.</p> <p>Project-related infrastructure requirements are typically provided by the developer, or fair share fees are assessed through project conditions of approval. Infrastructure improvements beyond fair share requirements are reimbursed to the developer. Project fees and infrastructure funding requirements are reviewed with the development community when development projects are proposed. In-lieu fees or improvements required for project approval directly benefit the developer project. When fair share fees are paid, improvements are provided by the County using a combination of fees obtained from multiple developers and jurisdictions and other funding sources described above.</p> <p>Housing Element requirements are reviewed with the development community along with the remainder of the General Plan as well as the Zoning Ordinance when residential projects are proposed.</p>
<p>1.3a: Continue to work with non-profit organizations to provide funding resources and assistance with the production of self-help housing for ownership and multifamily farm worker housing opportunities. The County will also provide incentives for the set-aside of agricultural land for farmworker housing.</p>	<p><b>Time Frame:</b> HOME entitled, annually apply for HUD and HCD grants.</p>	<p>The Housing Authority of the County of Riverside has partnered with the CVHC to develop and construct an 81-unit affordable multi-family farm worker housing project, Paseo de los Heroes III Apartments, in the unincorporated community of Mecca, restricting 13 units for extremely low-income households and 26 units for very low-income households. The project is currently under construction and is scheduled to be completed and in service by 2019.</p>
<p>1.3b: The County will process an amendment to Ordinance 348 (Zoning Ordinance), to comply with Health and Safety Code</p>	<p><b>Time Frame:</b> Within 6 months of adoption</p>	<p>Staff has completed drafting of an amendment to Ordinance No. 348 to ensure that employee housing is not deemed a use that implies</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>Sections 17021.5 and 17021.6. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in an agricultural zone shall include agricultural employees who do not work on the property where the employee housing is located.</p>	<p>of the Housing Element.</p>	<p>that the employee housing is an activity that differs in any other way from an agricultural use. The draft is in County Counsel review with Board of Supervisors adoption expected in June or July 2019.</p>
<p>1.3c: The County will partner with developers to assist with farmworker housing site identification, work with growers to identify strategies, and meet annually with developers and the agriculture industry to identify the constraints and solutions to development of farmworker housing.</p>	<p><b>Time Frame:</b> Annually meet with developers.</p>	<p>The Housing Authority of the County of Riverside has partnered with the CVHC to develop and construct an 81-unit affordable multi-family farm worker housing project, Paseo de los Heroes III Apartments, in the unincorporated community of Mecca, restricting 13 units for extremely low-income households and 26 units for very low-income households. The project is currently under construction and is scheduled to be completed and in service by 2019.</p> <p>The County meets quarterly with the CVHC to discuss projects and community concerns.</p>
<p>1.3d: Through the Mobile Home Tenant Loan (MHTL) Assistance Program the County will provide assistance for extremely low-income mobile home owners in un-permitted mobile home parks to purchase a replacement unit in a permitted mobile home park. The MHTL will provide financing for replacement of existing mobile home/coaches that will serve low income farm workers of the Coachella Valley in the County of Riverside.</p> <p>Additionally, through the HOME Program the County will provide assistance for the development, construction, or rehabilitation of affordable housing for low- and moderate-income farm worker households. The County will assist a minimum of 83 households with the MHTL program.</p>	<p><b>Time Frame:</b> As loans are processed. Based on HOME funds availability at the time of application.</p>	<p>In 2018, the Housing Authority of the County of Riverside provided financial assistance to facilitate the development and construction of 57 mobile home units restricted for very low-income households (7 households were extremely low-income) through the Mobile Home Tenant Loan (MHTL) program funded by housing bonds and CalHome.</p> <p>The Housing Authority of the County of Riverside has partnered with the CVHC to develop and construct an 81-unit affordable multi-family farm worker housing project, Paseo de los Heroes III Apartments, in the unincorporated community of Mecca, restricting 13 units for extremely low-income households and 26 units for very low-income households. The project is currently under construction and is scheduled to be completed and in service by 2019.</p>
<p>1.4a: Maintain a Mental Health Housing Coordinator or services coordination by a nonprofit organization.</p>	<p><b>Time Frame:</b> Ongoing.</p>	<p>Through the Riverside University Health System – Behavioral Health, the County provides diversified services to those living on the streets or at risk of homelessness, including the mentally ill. This effort is managed by an administrative services manager through the Homeless Housing Opportunities Partnerships and Education program (HHOPE).</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>1.4b: Support current legislation for block grant funding to aid Supportive Housing Program and Shelter Plus Care Program Funds.</p>	<p><b>Time Frame:</b> Meet annually with County legislative advocates to address implications of new legislation.</p>	<p>In 2018, the County provided assistance through the Shelter Plus Care Housing Program to 108 qualified units for sheltering homeless persons with disabilities. During the period, the annual assistance subsidy for this number of units has been approximately \$1 million. The Shelter Plus Care Program has been absorbed into the Continuum of Care options discussed in Section 1.4e, below. Therefore, these program funds will no longer be separately addressed in the future.</p> <p>Meetings to address the implications of new legislation are conducted as bills are proposed and signed at least annually, and more frequently as needed to address impacts on the County.</p>
<p>1.4c: Develop design criteria for housing suitable for the mentally disabled for use by affordable housing developers.</p>	<p><b>Time Frame:</b> Within the two years of adoption of the Housing Element.</p>	<p>Design criteria guidelines are not provided for special needs affordable housing development projects assisted by the County. Design criteria may be dictated by the source of funding and its requirements, on a project-by-project basis. The County's experience has been that design guidelines are successfully addressed on a project-by-project basis. Therefore, at this time, there does not appear to be a need for the preparation of generic design guidelines.</p> <p>For projects assisting mentally disabled individuals, Mental Health Services Act (MHSA) funds are used to design and build the supportive housing units consistent with the Riverside University Health System – Behavioral Health Community Services and Support Plan.</p> <p>In early 2016, the last of the MHSA projects became available for rent to tenants. The Perris Family Housing project consists of a total of 75 multifamily affordable rental housing units. The project has 1 manager's unit along with 59 units designated as affordable general population units and 15 units that are set aside for RUHS-BH consumers certified to be eligible for MHSA supportive permanent housing. The department allocated MHSA funding for the development and has 15 units set aside with an on-site case manager to provide housing and behavioral health support. This project has used all available MHSA funds to date. Therefore, no additional project activity occurred in 2017. An application for additional funds is currently in process.</p>
<p>1.4d: Promote the integration of special needs housing into affordable housing communities.</p>	<p><b>Time Frame:</b> Ongoing, throughout the planning period.</p>	<p>The County's 2015–2019 Consolidated Plan is guided by the commitment and priority to provide decent housing by preserving the affordable housing stock, increasing the availability of affordable housing, reducing discriminatory barriers, increasing the supply of supportive housing for those with special needs, and transitioning homeless persons and families into housing.</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>1.4e: Continue to participate in the Continuum of Care Supportive Housing Program and Shelter Plus Care Program. Continue the Shelter Plus Care Program through addition of permanent housing facilities for the mentally disabled, as funding is available, and implement a new program to provide safe havens to the mentally ill.</p>	<p><b>Time Frame:</b> Ongoing, throughout the planning period.</p>	<p>Within the Continuum of Care program, the County administers Permanent Supportive Housing and Rapid Rehousing. For 2017 and 2018, there are 18 Permanent Supportive Housing projects with 535 leased dwelling units, and there are 94 leased dwelling units in the Rapid Rehousing projects. It should be noted that because grants for these projects have different starting dates and overlapping timeframes, distinguishing performance between the two calendar years is not feasible.</p> <p>For projects assisting mentally disabled individuals, Mental Health Services Act (MHSA) funds are used to design and build the supportive housing units consistent with the Riverside University. In early 2016, the last of the MHSA projects, the Perris Family Housing Project became available for rent to tenants. This project consists of a total of 75 multifamily affordable rental housing units. The project has 1 manager's unit along with 59 units designated as affordable general population units and 15 units that are set aside for RUHS-BH consumers certified to be eligible for MHSA supportive permanent housing. The department allocated MHSA funding for the development and has 15 units set aside with an on-site case manager to provide housing and behavioral health support. This project has used all available MHSA funds to date. Therefore, no additional project activity occurred in 2017. And, no additional MHSA funding is available at this time for future projects.</p> <p>In addition to the Perris Family Housing project discussed above, the existing MSHA-funded projects are Rancho Dorado, Moreno Valley (15 units); Strawberry, Riverside (15 senior units); Vineyards, Menifee (15 senior units); Legacy, Thousand Palms (15 units); Verbena, Desert Hot Springs (15 units); and Cedar Glen, Riverside (15 units).</p>
<p>1.5a: In cooperation with nonprofits and local jurisdictions, assist in the development of transitional housing facilities in established regions of the county where the need is highest.</p>	<p><b>Time Frame:</b> Maintain current funding. Utilize the County's 10-Year Plan to End Homelessness and the POLIS project to site facilities.</p>	<p>No new transitional housing facilities were developed in 2018.</p>
<p>1.5b: Assist with the expansions of the number of emergency shelters in identified areas of Riverside County in cooperation with nonprofit organizations and local jurisdictions. Prioritize resources for the eastern portion of the county.</p>	<p><b>Time Frame:</b> Ensure the emergency shelter needs of mentally ill and domestic violence victims are</p>	<p>The Coachella Valley Rescue Mission in Indio added 50 beds in 2018 thereby increasing its capacity from 250 to 300 beds. Additionally, Martha's Village and Kitchen also in Indio converted back from supportive housing to an emergency shelter in 2018. The facility houses approximately 500 people per year of which 50% are children.</p>

Name of Program	Timeframe in HE	Status of Program Implementation
	addressed. Ongoing, as funding is available.	
1.5c: Process an amendment to Ordinance No. 348 (Zoning Ordinance) to add the current definition of transitional housing and supportive housing and to permit transitional and supportive housing types as residential uses and subject only to those restrictions that apply to other residential uses of the same type in the same zone.	<b>Time Frame:</b> Within 6 months of adoption of the Housing Element.	Staff has completed drafting an amendment to Ordinance No. 348 to ensure that transitional and supportive housing will be permitted by right in residential zones and subject only to those restrictions that apply to other residential uses of the same type in the same zone. The draft is in County Counsel review with Board of Supervisors adoption expected in June or July 2019.
1.6a: Continue to work with nonprofit organizations in providing homeownership opportunities through the Rural Development Self Help program and other self-help construction programs within Riverside County.	<b>Time Frame:</b> Establish an annual meeting with CHDOs to provide policy direction.	In 2018, the County did not work with any nonprofit organizations for the production of self-help housing for ownership within the unincorporated areas of the county.
1.7a: Continue to provide for greater flexibility in the design of single-family development through the processing of PUDs, specific plans, and area plans, and application of density bonus provisions, when requested, to allow for varying lot sizes and development standards than normally required in residential districts.	<b>Time Frame:</b> Ongoing, as projects are processed.	<p>The County continues to support private sector residential specific plans and has zoning provisions allowing for clustering of development through a planned residential development (PRD).</p> <p>In 2017, the County approved the Villages at Lakeview mixed-use project specific plan with a development agreement requiring the construction of 873 dwelling units at a density of 20 dwelling units per acre so that rents can be priced to achieve affordability levels. Three CEQA challenge lawsuits have been filed in response to the project approval. To date, one lawsuit has been settled. The two remaining lawsuits are set for oral argument on May 17, 2019. Therefore, implementation will be further delayed especially if the court requires changes to the project, which must then go through an additional public hearing(s) before approval.</p>
1.7b: Encourage construction of new mobile home parks and manufactured housing to increase the supply of affordable dwelling units by continuing to waive the fees (when funding is available) as an incentive.	<b>Time Frame:</b> Ongoing, as projects are processed.	<p>Regarding any residential development, including mobile home parks, the County defers or reduces development fees when appropriate outside funding is available. For private sector projects, deferred or reduced fees are generally not available because only private sector development fees are used to pay for staff time for processing. No General Fund monies are available for that purpose, and at this time, none can be anticipated based on revenue projections halfway through FY 2018–19.</p> <p>Additional fees are assessed for infrastructure programs such as roads, bridges, and traffic signals, as well as for parks, schools, habitat preservation, and environmental mitigation. The assessment of such fees is required by state or local laws. General Fund monies</p>

Name of Program	Timeframe in HE	Status of Program Implementation
		are no longer sufficient to meet infrastructure, public service, and facility needs.
<p>1.7c: Encourage new large-scale development proposals to provide a range of housing types and densities for all income levels through the use of creative planning concepts such as specific plans and mixed-use development.</p>	<p><b>Time Frame:</b> Ongoing, as projects are processed.</p>	<p>To facilitate the development of larger-scale, higher-density affordable housing, the County has established the Highest Density Residential (HHDR) land use designation and the R-7 zone, allowing between 20 and 40 dwelling units per acre, and has established a Mixed Use Area (MUA) land use designation allowing for a composite of uses, which maximizes compatibility between residential, commercial, and recreational uses with flexibility for density and intensity of use. The County continues to support private sector residential specific plans and has zoning provisions allowing for clustering of development through a planned residential development (PRD).</p>
<p>1.7d: The County will explore the adoption of countywide provisions, thresholds, or criteria for affordability to be used in the design of Specific Plans. In addition, evaluate existing specific plans with affordability restrictions and develop minimal affordability thresholds and criteria to ensure that projects include a range of densities to meet the County's RHNA.</p>	<p><b>Time Frame:</b> Consider adopting provisions within two years. Continue to pursue on an ongoing basis.</p>	<p>The County continues to support private sector residential specific plans and has zoning provisions allowing for clustering of development through a planned residential development (PRD). As with any residential project proposed using specific plan or PRD zoning, the opportunities for promoting affordable housing are always examined.</p> <p>In 2017, the County approved the Villages at Lakeview mixed-use project specific plan with a development agreement requiring the construction of 873 dwelling units at a density of 20 dwelling units per acre so that rents can be priced to achieve affordability levels. Three CEQA challenge lawsuits have been filed in response to the project approval. To date, one lawsuit has been settled. The two remaining lawsuits are set for oral argument on May 17, 2019. Therefore, implementation will be further delayed especially if the court requires changes to the project, which must then go through an additional public hearing(s) before approval.</p>
<p>1.7e: The County will explore the adoption of a local inclusionary housing program. The program could include requiring developers of certain types of housing developments to construct inclusionary affordable units or, in limited circumstances where the County deems construction of inclusionary units to be impractical, pay an in-lieu fee, or donate land to subsidize affordable housing development. Prior to adopting any inclusionary program, the County will conduct analysis to ensure that sufficient incentives exist to mitigate potential negative impacts from the program on the cost and supply of market rate housing.</p>	<p><b>Time Frame:</b> Explore options by the end of 2017; consider adopting an ordinance by the end of 2018..</p>	<p>Staff has completed drafting an amendment to Ordinance No. 348 that establishes requirements for providing a residential and special needs housing density bonus or other incentives pursuant to Government Code Section 65915. The draft is in County Counsel review with Board of Supervisors adoption expected in June or July 2019. Staff has completed drafting an amendment to Ordinance No. 348 that establishes inclusionary affordable and special needs housing requirements in return for receiving a density bonus or other incentives pursuant to Government Code Section 65915. The draft is in County Counsel review with Board of Supervisors adoption expected in June or July 2019.</p>
<p>2.1a: When funding is available, advertise and promote the availability of funds for the following:</p>	<p><b>Time Frame:</b> Ongoing, as funding</p>	<p>In 2018, the Housing Authority managed its Senior Home Rehabilitation Grant (SHRG) Program. The program assists</p>



Name of Program	Timeframe in HE	Status of Program Implementation
<ul style="list-style-type: none"> <li>• Rehabilitation of single-family and mobile home dwelling units.</li> <li>• Rehabilitation of multifamily units.</li> </ul>	<p>is available. Provide informational materials as funding permits.</p> <p>Entitled, apply annually HCD and HUD.</p>	<p>households in former Redevelopment Agency project areas and unincorporated areas of the county. The SHRG Program is designed to provide assistance to very low-income eligible senior homeowners to finance health and safety-related repairs to their homes. The program provides assistance in the form of a conditional grant up to the maximum total amount of \$25,000 derived from former Redevelopment Agency tax-exempt housing bond proceeds. In 2018, SHRG Program assisted a total of 5 households in the county in which 1 household was located within the unincorporated area of the county.</p>
<p>2.1b: The Housing Authority, to the extent feasible, will pursue all available federal and state funds to modernize all public housing units affordable to very low- and low-income households.</p>	<p><b>Time Frame:</b> Ongoing, throughout the planning period.</p>	<p>Prior to October 2016, the Housing Authority owned and operated affordable public housing across Riverside County serving 464 low-income households including families, seniors, and persons with disabilities. Due to insufficient funding to maintain the affordable public housing properties, the US Department of Housing and Urban Development (HUD) approved conversion via the process called Rental Assistance Demonstration (RAD) conversion. RAD was created in order to give public housing authorities a tool to preserve and improve public housing properties and address the \$26 billion nationwide backlog of deferred maintenance. RAD allows public housing agencies to leverage public and private debt and equity to maintain properties. It also allows units to move to a Section 8 platform and ensure that the units remain permanently affordable to low-income households. On October 1, 2016, public housing units were converted and transferred to the Housing Authority's nonprofit arm, the Riverside County Housing Corporation (RCHC), to own and operate the former public housing units.</p> <p>Funds to maintain and modernize the RAD units in 2018 were primarily paid from rental proceeds and CDBG grant funding.</p>
<p>2.1c: Continue utilization of tax-exempt private activity bonds for the financing of multifamily housing rehabilitation.</p>	<p><b>Time Frame:</b> As projects come forward assist with the process for applying for funding on the developers behalf.</p>	<p>In 2018, the County did not issue and utilize tax-exempt private activity bonds to finance rehabilitation of multifamily housing.</p>
<p>2.1d: Continue to provide funding from CDBG-funded Housing Rehabilitation Program to retrofit units to meet accessibility standards. The County of Riverside's Five-Year Consolidated Plan (2014-2018) anticipates assisting a minimum 85 households.</p>	<p><b>Time Frame:</b> Continue program when funding becomes available.</p>	<p>No funding was available in 2018 for this purpose.</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>2.1e: Department of Community Action (DCA) shall continue to implement the Home Weatherization program to conserve existing single-family housing through weatherization and/or rehabilitation.</p>	<p><b>Time Frame:</b> As part of an ongoing program, target 1,600 households in the incorporated portion of the County and 800 households in the unincorporated County.</p>	<p>The County continued to provide assistance to conserve existing single-family housing through weatherization programs using LIHEAP funds. In 2018, a total of 285 dwelling units received such assistance.</p>
<p>2.1f: Through the Senior Home Rehabilitation Program (SHRP) The County will provide one-time grants to qualified very low-income senior homeowners (62 years or older) or very low-income persons with disabilities of any age to repair or improve their homes within the scope of eligible program repairs. The grant requires that repairs address health and safety issues and handicapped accessibility improvements exclusively.</p>	<p><b>Time Frame:</b> Once funding has been approved. Assist at least 5 households during the planning period.</p>	<p>In 2018, the Housing Authority managed its Senior Home Rehabilitation Grant (SHRG) Program. The program assists households in former Redevelopment Agency project areas and unincorporated areas of the county. The SHRG Program is designed to provide assistance to very low-income eligible senior homeowners to finance health and safety-related repairs to their homes. The program provides assistance in the form of a conditional grant up to the maximum total amount of \$25,000 derived from former Redevelopment Agency tax-exempt housing bond proceeds. In 2018, SHRG Program assisted a total of 5 households in the county in which 1 household was located within the unincorporated area of the county.</p>
<p>2.1g: Through the Home Enhancement Program, assist lower income homeowners fix or repair exterior problems to their homes such as minor roofing, broken/missing windows, exterior paint, etc. Funding may be used to eliminate health and safety issues, make the home more energy-efficient, and undertake eligible exterior improvements.</p>	<p><b>Time Frame:</b> Provide grants to at least 5 households throughout the planning period.</p>	<p>For FY 2018–19, with the use of CDBG funds, an estimated amount of approximately \$123,000 was expended in 2018 for this purpose through the Home Enhancement Program, with grants provided to 18 households.</p>
<p>2.1h: The County will promote the maintenance, preservation, and rehabilitation of the existing housing stock to provide sanitary, healthy and safe housing opportunities. Together with residents and stakeholders, the County will develop a plan with specific timelines for implementation prioritize and conduct proactive rehabilitation efforts to ensure that housing complies with basic habitability standards, while preventing displacement in addressing unsafe housing conditions and prioritizing efforts (i.e., location; types of units, rentals, versus resident owned). Timing for implementing the plan will seek to utilize existing efforts such as community plan updates or other activities and the plan will contain various strategies to avoid or lessen displacement and its impacts and on-going affordability such as integration with rehabilitation programs or other efforts to maintain the housing stock.</p>	<p><b>Time Frame:</b> Develop a plan by summer 2019.</p>	<p>The County continues to implement a proactive code enforcement program that responds to citizen complaints and can result in citations and correction requirements. Code enforcement officers also issue citations and correction requirements based on their own observations. A formal process beyond this will not be developed because of significant General Fund budget limitations in the foreseeable future.</p> <p>Therefore, the County does not see a need to develop a plan at this time because of ongoing rehabilitation funding requests and rehabilitation required as a result of code enforcement complaints.</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>2.2a: Ensure that currently sound housing is maintained through code enforcement activities. Continue to administer the Code Enforcement Program to eliminate substandard conditions in residential units and continue inspections and permitting for the maintenance, use, and occupancy of mobile home parks.</p>	<p><b>Time Frame:</b> Ongoing, on a case-by-case basis.</p>	<p>The County continues to implement a proactive code enforcement program that responds to citizen complaints and can result in citations and correction requirements. Code enforcement officers also issue citations and correction requirements based on their own observations.</p>
<p>2.2b: Through the Mobile Home Tenant Loan Foreclosure/Abandonment Program, the County will provide assistance where it is economically feasible to recover and preserve an abandoned or foreclosed mobile home and return it to the affordable housing stock.</p>	<p><b>Time Frame:</b> Preserve a minimum of 17 mobile homes for very low-income households. Preserve at least 8 within the Housing Element planning period.</p>	<p>In 2018, no mobile homes were returned to the affordable housing stock, but 9 are in process to be completed in 2019.</p>
<p>2.3a: As funding is available, preserve existing affordable mobile home housing stock. The County will also work with park owners and tenants to explore homeownership opportunities such as through the MPRROP program.</p>	<p><b>Time Frame:</b> Annually explore funding sources and as NOFAs are released.</p>	<p>Please see response to Action 2.2b, above. The County did not use the MPRROP in 2018.</p>
<p>2.3b: Organize bilingual outreach materials and activities to educate and inform the farm worker community about available rehabilitation programs and resources.</p>	<p><b>Time Frame:</b> Continue to hold quarterly meetings to discuss. As funding for programs is available, bilingual brochures will be provided.</p>	<p>Through the help of nonprofit partners, the County's programs have been translated and extended to the farm worker communities through bilingual outreach materials and through community meetings that also use translators to reach farm workers. Especially in the Eastern Coachella Valley, community meetings include bilingual presentations.</p>
<p>2.4a: Ensure that County assisted affordable housing remains affordable by doing the following:</p> <ul style="list-style-type: none"> <li>• Through the maintenance of an inventory of County assisted units with monitoring of expiration dates on an annual basis.</li> <li>• Priority on providing financial assistance, where feasible and if funding is available, to preserve County assisted affordable units at risk of conversion to market rate during the planning period. Conduct annual compliance monitoring site visits and file audits of County assisted units as part of ongoing compliance requirements enforced by loan agreements.</li> <li>• Coordinate with owners of at-risk units to have the property</li> </ul>	<p><b>Time Frame:</b> Annually review existing covenants and update as necessary. County will coordinate with owners of at-risk units to have the owners provide tenant education within 30 days of a notice of</p>	<p>In 2018, EDA/Housing monitored 52 projects in the county unincorporated area, totaling 1,597 dwelling units, of which 1,597 were income-restricted. No units have been lost to date due to affordability expirations.</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>owners provide education and work with tenants regarding their rights and conversion procedures.</p>	<p>conversion.</p>	
<p>3.1a: Continue to use the services of the Fair Housing Council of Riverside County to implement a number of programs, including: 1. Audits of lending institutions and rental establishments. 2. Education and training of County staff. 3. Education and outreach to apartment owners, associations, management companies, lending institutions, building industry associations, homebuyers, and residents in emergency shelters and transitional housing facilities.</p>	<p><b>Time Frame:</b> EDA staff coordinates with the Fair Housing Council and monitors its work program. Funding is proposed to continue to establish existing efforts.</p>	<p>The County continues to use the Fair Housing Council of Riverside County to complete audits of lenders and rental establishments.</p> <p>Annually, housing staff attend workshops hosted by the Fair Housing Council of Riverside County to obtain the latest updates in regulations and best practices, and discuss current issues facing lenders, property managers, homebuyers, and renters.</p> <p>Staff attended the Fair Housing Council's 2018 Housing Conference.</p>
<p>3.1b: Update the Analysis of Impediments to Fair Housing choice per HUD requirements.</p>	<p><b>Time Frame:</b> 2019</p>	<p>The County is currently working on updating the County's Analysis of Impediments (AI) and anticipates publishing the draft AI for public comment in April 2019. After the public comment period expires, the AI will be submitted for Board of Supervisors approval in May 2019, and filed with HUD by June 2019.</p>
<p>3.2a: Continue to use the services of the Fair Housing Council to provide education and outreach services to the public in both Spanish and English as well as for mortgage lenders applying for certification or recertification to participate in the First Time Home Buyer Down Payment Assistance Program.</p>	<p><b>Time Frame:</b> Ongoing, as funding permits.</p>	<p>In 2018, a total of 3 participants in the County's First Time Home Buyer (FTHB) program utilized services from the Fair Housing Council to meet their requirement for attendance at an 8-hour homebuyer workshop.</p>
<p>3.3a: Ensure that persons with disabilities (including persons with developmental disabilities) have increased access/placement in residential units rehabilitated or constructed through County programs by completing the following:</p> <ul style="list-style-type: none"> <li>• Continue to cooperate with nonprofit agencies that provide placement or referral services for persons with disabilities.</li> <li>• Encourage "universal design" features such as level entries, larger bathrooms, and lower kitchen countertops to accommodate persons with disabilities.</li> <li>• Encourage multifamily housing developers to designate accessible and/or adaptable units already required by law to be affordable to persons with disabilities or persons with special needs.</li> <li>• Continue to review the County's a formal procedure for reviewing and approving requests for modifications to building or zoning requirements in order to ensure reasonable accommodations for persons with disabilities to ensure consistency with state law. Specifically review section 6.e. of the current procedure and revise as necessary.</li> <li>• Coordinate with the Inland Regional Center to implement an</li> </ul>	<p><b>Time Frame:</b> Ongoing, as projects are processed.</p> <p>Revise the reasonable accommodation procedure by Spring 2018.</p> <p>Develop an outreach program by Spring 2018.</p>	<p>The County's HOME Investment Partnership Act (HOME) program, a federally funded program, follows housing accessibility requirements at 24 CFR Part 8, complying with Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and the Disability/Accessibility Provisions of the Fair Housing Act of 1988. Dwelling units must be designed and constructed in accordance with the Uniform Federal Accessibility Standards, which is deemed to comply with the Section 504 regulation. 24 CFR Part 8.22, New construction—housing facilities establishes requirements for new construction of multifamily projects: 5 percent of the units (but not less than one unit) must be accessible to individuals with mobility impairments, and an additional 2 percent of the units (but not less than one unit) must be accessible to individuals with sensory impairments. Prospective tenants may apply for and request units that are accessible to individuals with mobility impairments or sensory impairments upon availability.</p> <p>Additionally, the County's Building Code provides accessibility criteria for disabled persons. The Building Code does not include any separate design criteria.</p> <p>The County provides personal and website assistance to persons</p>

Name of Program	Timeframe in HE	Status of Program Implementation
<p>outreach program that informs families in the county on housing and services available for persons with developmental disabilities. The program could include the development of an informational brochure, including information on services found on the County's website, and providing housing-related training for individuals/families through workshops, as funding and staffing permit.</p>		<p>with disabilities and therefore requiring special accommodation, especially for residents who are completing applications for Section 8 or Public Housing Programs. Additionally, the County has prepared a guidebook with procedures for the disabled to pursue Section 8 assistance.</p> <p>The County updated its reasonable accommodation ordinance in June 2016 to meet legislative requirements.</p> <p>There is no separate coordination with the Inland Regional Center regarding services for disabled persons.</p>
<p>3.3b: Continue to utilize the following programs to assist special needs households:</p> <ol style="list-style-type: none"> <li>1. Housing Choice Voucher Program (Section 8 Certificates).</li> <li>2. Family Unification Program.</li> <li>3. Family Self Sufficiency (FSS) Program.</li> <li>4. Housing Opportunities for Persons with AIDS (HOPWA).</li> <li>5. Veteran's Affairs Supportive Housing Program (VASH).</li> <li>6. Foster Care Youth Program.</li> <li>7. Tenant Based Rental Assistance Program.</li> </ol>	<p><b>Time Frame:</b> Programs will continue as funding is obtained.</p>	<p>The County used the following programs to assist households in 2018:</p> <ul style="list-style-type: none"> <li>• <b>Housing Choice Voucher Section 8 (HCV) Program:</b> Approximately \$72,776,893 in total HAP assisted 8,226 clients. Of the clients served, whose incomes at admission must be at or below 50 percent AMI, 150 households were veterans and 5,307 were disabled and/or elderly including veterans.</li> <li>• <b>Family Self Sufficiency (FSS) Program:</b> In 2018, the FSS program served 389 participants. A total of 16 families graduated and therefore no longer required rental assistance. Of the graduates, one purchased their own home.</li> <li>• <b>HUD-VASH:</b> The VASH program provided 554 veterans with a Section 8 voucher administered by the Housing Authority and clinical supportive services provided by the VA Loma Linda Healthcare System.</li> <li>• <b>Supportive Services for Veteran Families (SSVF):</b> The SSVF program provided temporary rental assistance to 20 veterans who are at-risk of homelessness and or experiencing homelessness and only need short-term supports to stabilize in housing.</li> <li>• <b>CalWORKs Housing Support Program (HSP):</b> The CalWORKs HSP program provided 253 cash-aid eligible families with rapid rehousing assistance to help them relocate and stabilize in permanent housing.</li> <li>• <b>CSBG New Direction Program:</b> The CDBG New Direction Program provided 10 homeless youth and young adults with rapid rehousing and other emergency supports to relocate and stabilize in housing.</li> <li>• <b>ESG Housing First Program:</b> The ESG Program provided 14 households experiencing homelessness with rapid rehousing services to help them relocate and stabilize in permanent housing.</li> </ul>

Name of Program	Timeframe in HE	Status of Program Implementation
		<ul style="list-style-type: none"> <li>• <b>County CDBG Project Home:</b> The County CDBG Project Home Program provided 52 households experiencing homelessness with short-term rental and other move-in assistance to help them stabilize in housing.</li> <li>• <b>HOPWA:</b> The program assisted 392 households with Tenant Based Rental Assistance, Project Based Rental Assistance, Short-Term Rental Mortgage and Utility Assistance (STRMU), &amp; Permanent Housing Placement (PHP) Services.</li> <li>• <b>CDBG Homeless Prevention:</b> The CDBG Homeless Prevention program supported 10 households who were at-risk of homelessness with assistance towards their past-due rent to help them prevent homelessness.</li> <li>• <b>CDBG Emergency Assistance:</b> The CDBG Emergency Assistance Program provided 2 households with emergency assistance to help cover costs towards an emergency hotel voucher, purchase towards a refrigerator and/or stove, application fees, etc. to help them prevent or end homelessness.</li> <li>• <b>CDBG Security Deposit Assistance Program:</b> The CDBG Security Deposit Assistance Program provided 2 households with move-in assistance towards their security deposit to help prevent and/or end their homelessness.</li> <li>• <b>HOME Tenant Based Rental Assistance (TBRA) Program:</b> A total of 37 households were assisted under the HOME TBRA program which provides tenant based rental assistance to households at-risk of or experiencing homelessness.</li> <li>• <b>HOME Security Deposit Assistance (SDA) Program:</b> The HOME SDA program assisted 186 low-income households with financial assistance towards their security deposit.</li> <li>• <b>Shelter Plus Care:</b> The Shelter Plus Care program provided 108 households with permanent supportive housing which combines rental assistance and supportive services through committed supportive service providers such as the Riverside University Health System – Behavioral Health, Operation Safehouse, Foothill AIDS Project, and Desert AIDS.</li> <li>• <b>Foster Care Youth Program.</b> A total of three youth were assisted.</li> <li>• <b>Family Unification Program (FUP).</b> The FUP assisted 177 households.</li> </ul>
<p>3.3c: Continue to provide rental certificates to persons with disabilities (Housing Choice Voucher Program, previously known as Section 8 Rental Assistance Program).</p>	<p><b>Time Frame:</b> Ongoing as interested persons contact the Housing Authority.</p>	<p>Please see response to Action 3.3b, above.</p>

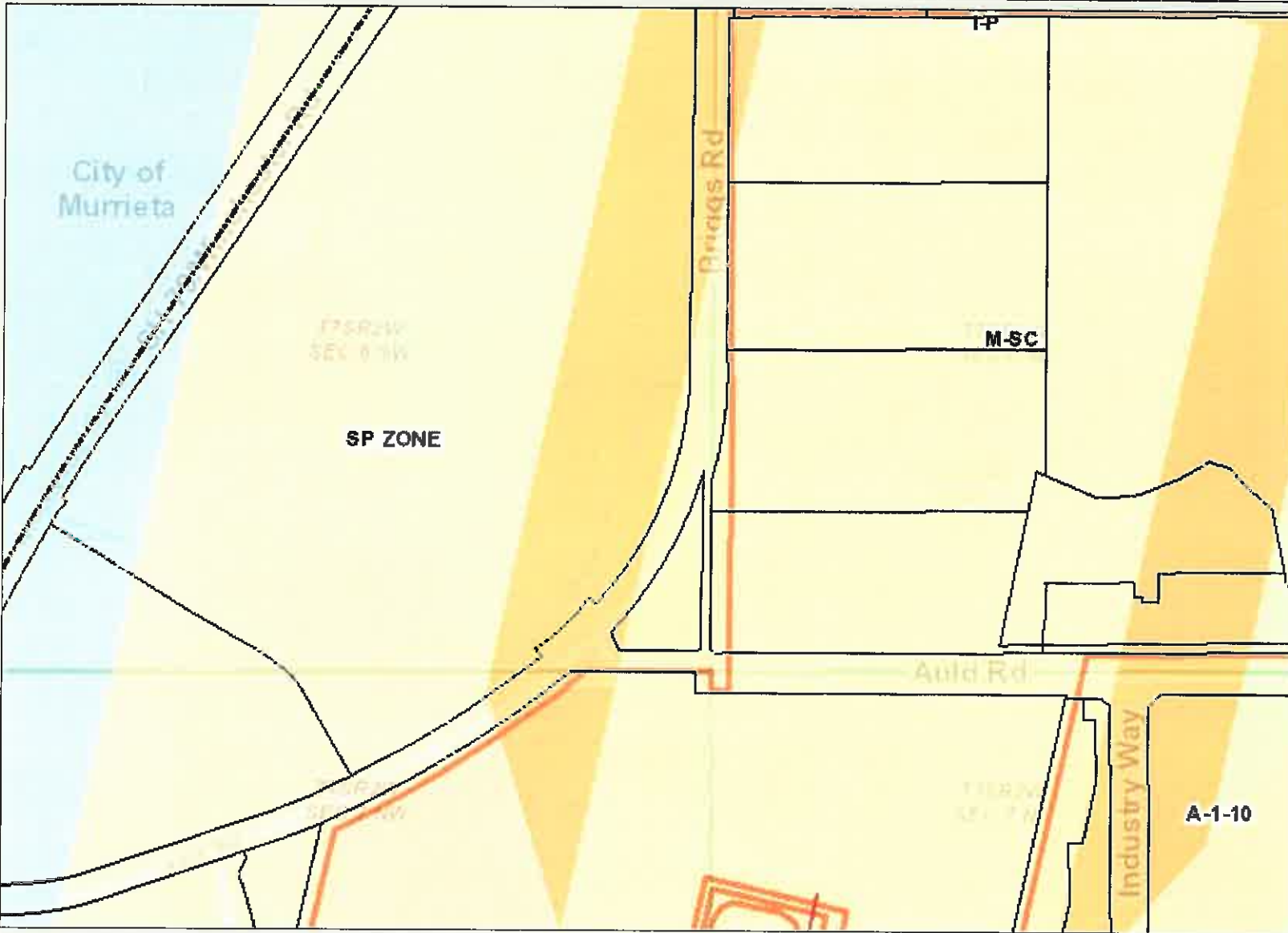


Name of Program	Timeframe in HE	Status of Program Implementation
3.3d: The Housing Authority shall continue its collaborative agreement with Riverside County Department of Mental Health to administer Shelter Plus Care housing assistance for mentally ill homeless persons in the City of Riverside and within western and eastern Riverside County, as funding is awarded. Services should be expanded to include western Riverside County during the planning period.	<b>Time Frame:</b> Ongoing, throughout the planning period.	In 2018, County continued to administer the Shelter Plus Care Program throughout the county.
3.3e: Maintain public housing units and assist extremely low- and very low-income recipients with Housing Choice Vouchers (Section 8 rental assistance vouchers).	<b>Time Frame:</b> Ongoing, throughout the planning period.	Please see response to Action 3.3b, above.
3.3f: DPSS shall continue to work with nonprofit organizations and participating cities, as applicable, on programs to prevent homelessness, including rental mortgage assistance.	<b>Time Frame:</b> Ongoing, throughout the planning period.	Please see response to Action 3.3b, above.
3.3g: Support legislation for block grant entitlement of Supportive Housing Program and Shelter Plus Care Program funds.	<b>Time Frame:</b> Ongoing.	For 2018, both programs continue to be administered throughout the county.
3.3h: The County will continue to administer the Mobile Home Rent Stabilization Ordinance No. 760, limiting rent increases to correspond to the increase in the Consumer Price Index.	<b>Time Frame:</b> Ongoing.	Ordinance No. 760 is codified in the Riverside County Code of Ordinances as Chapter 5.36, Mobile Home Park Rent Stabilization.
3.4a: Continue to implement the Mortgage Credit Certificate Program (MCC) for low- to moderate-income homeowners.	<b>Time Frame:</b> Ongoing. Funding will be available once the Housing Element is in compliance.	In 2018, the County did not assist any households within the unincorporated areas of the county.
3.4b: Continue to provide down payment assistance and closing cost assistance to low-income first-time homebuyers through the First Time Home Buyer Program.	<b>Time Frame:</b> Ongoing. Funding will be available once the Housing Element is in compliance.	In 2018, a total of 2 low-income first-time homebuyers received such assistance in unincorporated areas of the county.
3.5a: Work with public or private sponsors to encourage acquisition/rehabilitation of existing multifamily units to be converted to senior housing with a portion of the units required to be reserved for households with incomes below 80 percent of the County median.	<b>Time Frame:</b> Ongoing. Annually meet with interested developers.	In 2018, Orange Blossom IV Apartments, located in the unincorporated community of Valle Vista, completed acquisition and rehabilitation restricted to very low- and low-income households.
3.5b: Consider the conversion of small older hotels to transitional housing facilities, emergency shelters, or single-room occupancy units (SRO) in conjunction with qualified nonprofit organizations. The Department of Social Services	<b>Time Frame:</b> Within six months of	Staff has completed drafting amendments to Ordinance No. 348 allowing for single-room occupancy (SRO) units and addressing new state law concerning accessory dwelling units. The drafts are in

Name of Program	Timeframe in HE	Status of Program Implementation
<p>shall work with participating jurisdictions when requested. Assist with available housing for extremely low and lower income households by: (1) Process an amendment to Ordinance 348 (Zoning Ordinance) to define SROs and allow them to be permitted in the General Commercial Zone (C-1/C-P) with a conditional use permit. (2) Review Ordinance 348 to ensure consistency with state law concerning accessory dwelling units (AB2299 and SB 1069), including evaluating and addressing potential constraint such as lot sizes to ensure promoting the development of accessory dwelling units.</p>	<p>adoption of the Housing Element.</p>	<p>County Counsel review with Board of Supervisors adoption expected in June or July 2019.</p> <p>Currently, in the absence of a regulatory structure for entitling projects providing SRO units to date, no application requests for such projects have been made to date.</p>
<p>4.1a: To ensure fees do not pose a constraint to the development of housing, the County will review its fees on an annual basis.</p>	<p><b>Time Frame:</b> Annually.</p>	<p>Regarding development or infrastructure fees, the County can only defer or reduce development fees when appropriate grants are available. Therefore, for private sector projects, deferred or reduced fees are generally not available because only private sector development fees are used to pay for staff time for processing. No General Fund monies are available for that purpose and at this time, none can be anticipated based on revenue projections halfway through FY 2018–19.</p> <p>Additional fees are assessed for infrastructure programs such as roads, bridges, and traffic signals, as well as for parks, schools, habitat preservation, and environmental mitigation. The assessment of such fees is required by state or local laws. General Fund monies are no longer sufficient to meet infrastructure, public service, and facility needs.</p> <p>While actual fee amounts may change, no modifications are proposed to the approach and structure detailed above.</p> <p>The County annually reviews the nexus and applicable fee to ensure that the two are fully correlated.</p>
<p>4.1b: Continue to review the definition of family so that it does not limit the number of persons per household, and does not require that persons are related by blood.</p>	<p><b>Time Frame:</b> Ongoing</p>	<p>A July 2016 amendment to Ordinance No. 348 removed limitations as to the number of persons constituting a family and also removed a requirement for such members to be related by blood. The definition now reads "one or more persons living together as a single housekeeping unit in a single dwelling unit."</p>
<p>4.2a: Propose and advocate legislative efforts to promote jobs/housing balance. Participate in subregional (WRCOG and CVAG) and regional (SCAG) agency meetings to:</p> <ul style="list-style-type: none"> <li>• Establish housing goals beyond county lines that reflect housing markets.</li> <li>• Ensure that regional plans are consistent with County policies and goals. Prepare legislative proposals as necessary.</li> <li>• Encourage the production of affordable housing such as construction defect litigation reform and additional low-</li> </ul>	<p><b>Time Frame:</b> Establish a meeting with County's legislative advocates to ascertain the existing impact and proposed legislation.</p>	<p>The County continues to participate in WRCOG, CVAG, and SCAG meetings with consideration given to personnel resources available for such meetings and if the topic(s) of the meetings relate to County priorities. It should be noted that the primary focus of WRCOG and CVAG meetings is on city government matters. However, the County does undertake expansive coordination with SCAG and these agencies in the allocation of RHNA numbers for the production of dwelling units, including affordable housing, in the respective jurisdictions and the region as a whole.</p>



Name of Program	Timeframe in HE	Status of Program Implementation
income tax credits.		Meetings to address the implications of new legislation are conducted as bills are proposed and signed at least annually, and more frequently as needed to address impacts on the County.
4.3a: Review the Housing Element on an annual basis to determine the effectiveness of the programs in achieving the County's housing goals and objectives. The County will provide the annual report to the Board of Supervisors as to the effectiveness of the Housing Element. A copy of this report will be sent to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).	<b>Time Frame:</b> Annually in April.	The County submits the Housing Element Annual Report annually, with the report for 2018 expected to be submitted on or before April 1, 2019.
5.1a: Continue to promote and support energy efficiency in new construction by encouraging developers to utilize available energy programs through the local utility providers and once adopted, to be consistent with the County's Climate Action Plan.	<b>Time Frame:</b> Implement Climate Action Plan that will include incentives for production of renewable energy resources and greater efficiencies than Title 24.  Ongoing as projects are processed through the Planning Department.	All developers comply with the County's building codes, which are based on Title 24 of the California Code of Regulations, also known as the Building Standards Code, and the energy efficiency requirements contained therein. The County does not impose separate or different requirements.  The County adopted a Climate Action Plan on December 8, 2015. A revised draft Climate Action Plan update is in preparation. It is expected to be completed and adopted by mid-2020.
5.1b: The Department of Community Action shall continue to operate the LIHEAP and Home Weatherization programs to reduce maintenance and energy costs for households with low incomes and increase efforts to inform the public about available energy conservation programs.	<b>Time Frame:</b> Ongoing.	The County continued to provide assistance to conserve existing single-family housing through weatherization programs using LIHEAP funds. All qualified applicant homes were assessed for weatherization. Once assessment was done, a variety of measures were installed such as weather stripping of the doors and windows; door and window replacement; repair or replacement of different carbon monoxide appliances such as the water heater, furnace, and stove; repair or replacement of refrigerator; and ceiling insulation and caulking. In 2018, a total of 285 dwelling units received such assistance.

# Map My County Map



### Legend

- Parcels
- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
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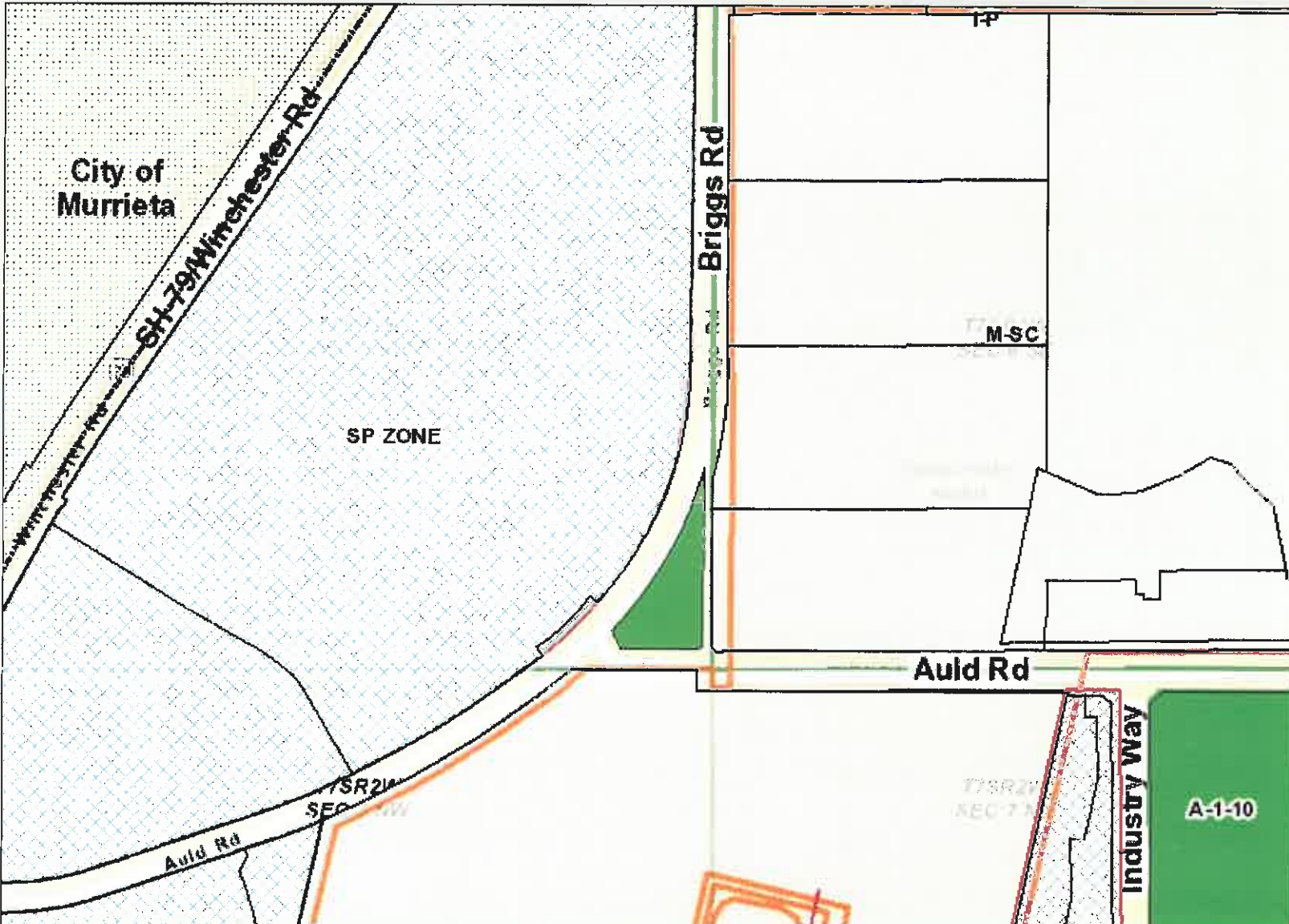
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### Notes



# Map My County Map



### Legend

- Parcels
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### Zoning

OTHER ZONING

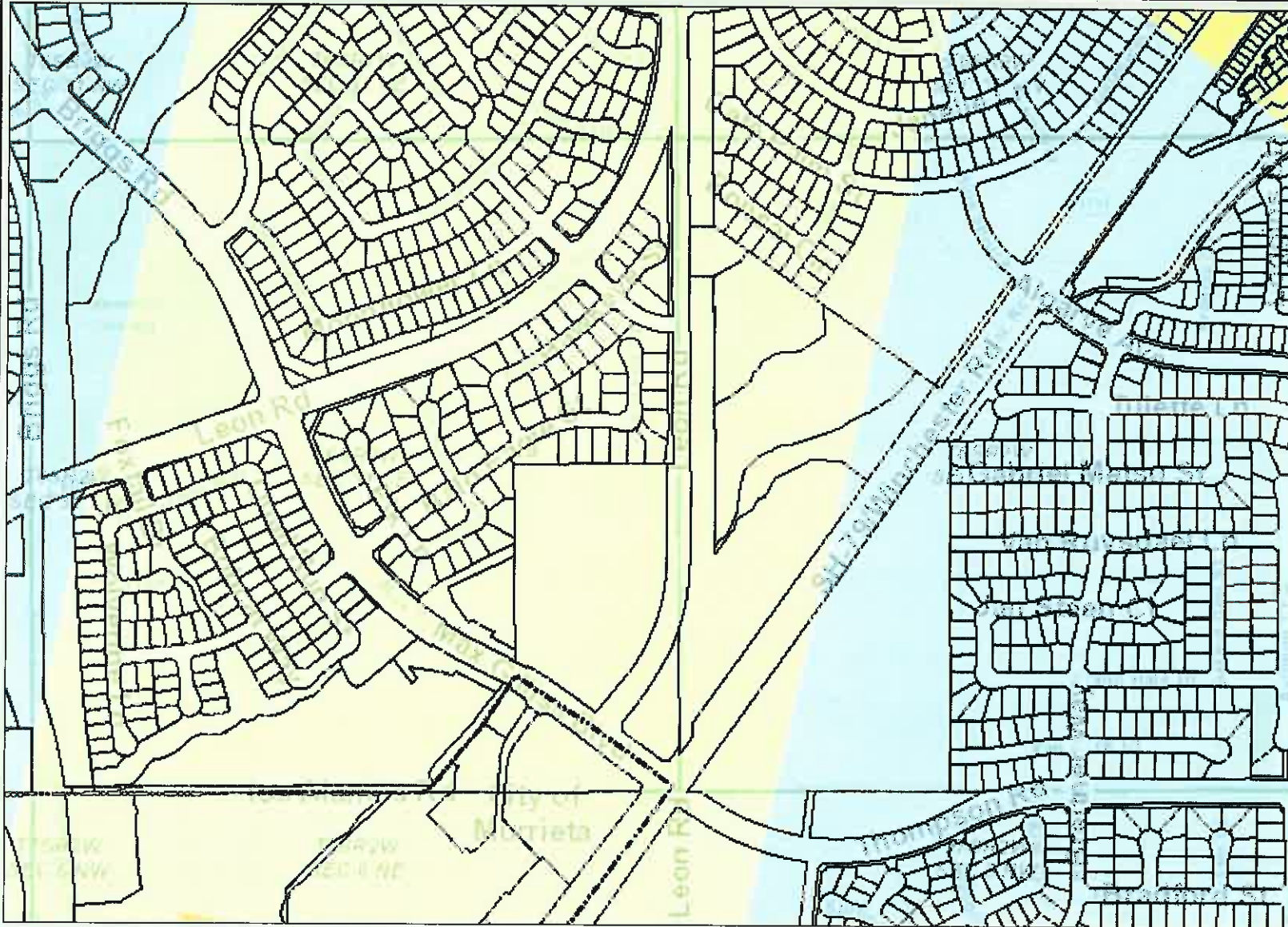
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- C1-HIGHT
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- C2-EXC3
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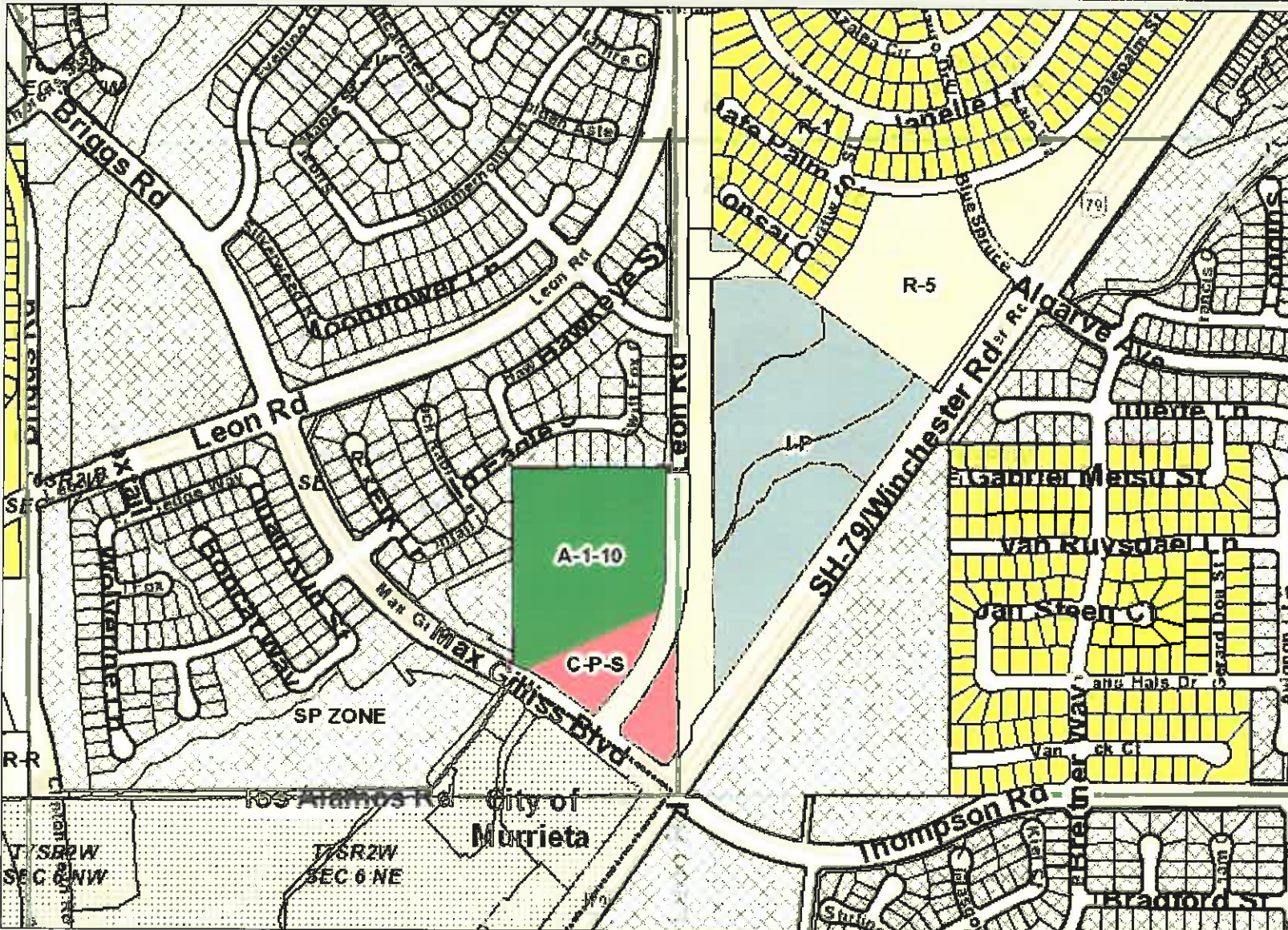
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**Notes**



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### Legend

- Parcels
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### Zoning

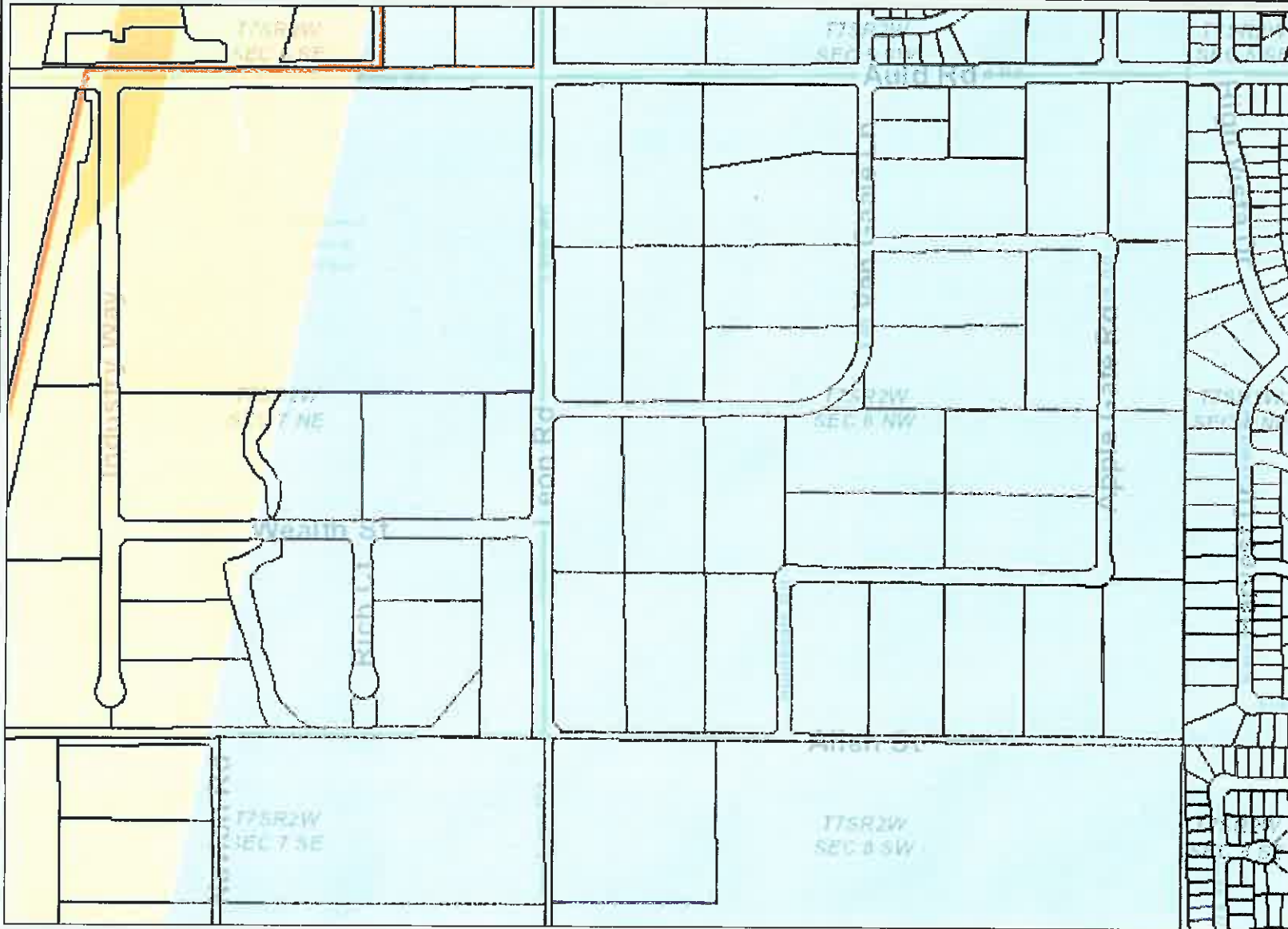
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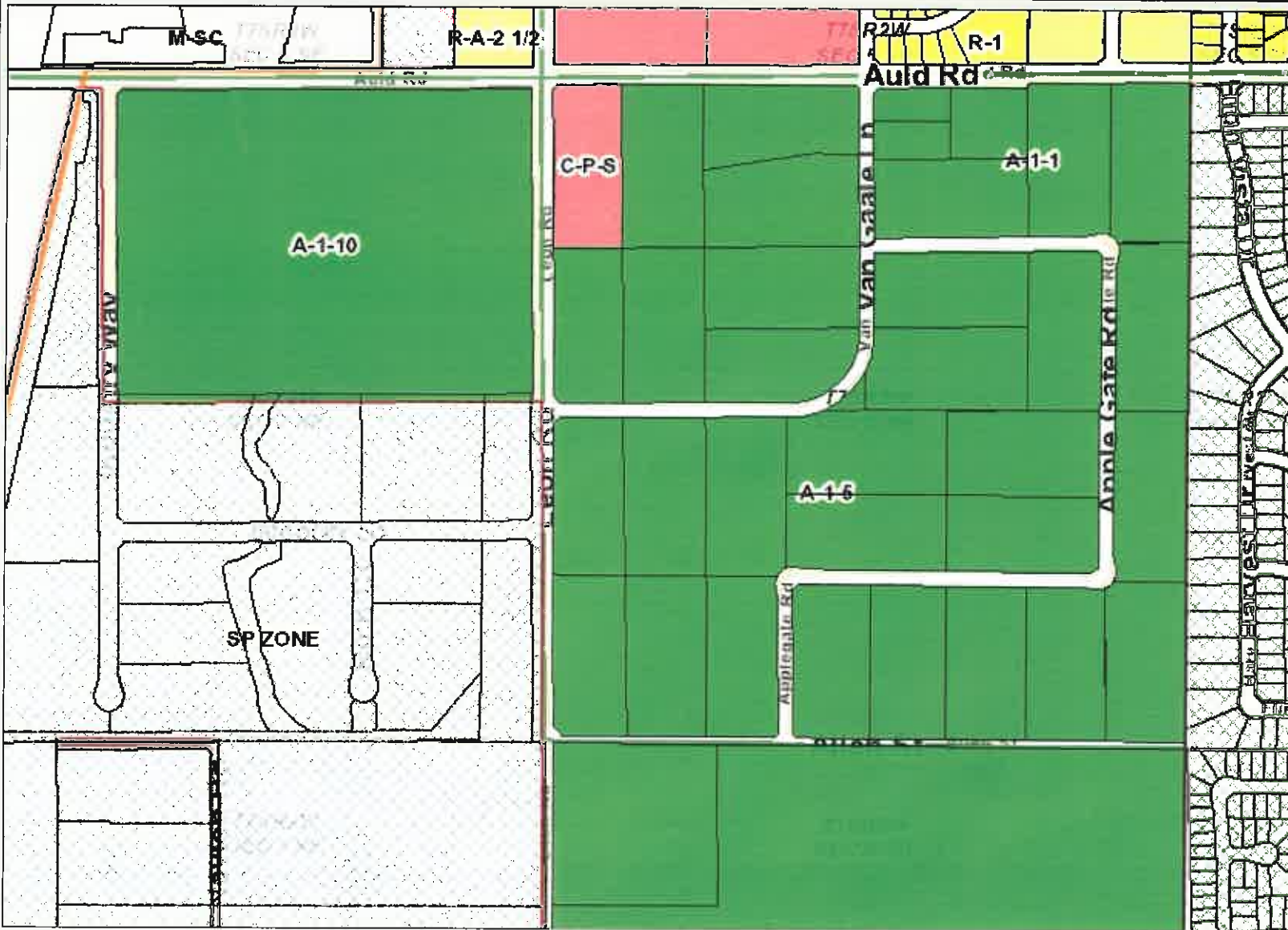
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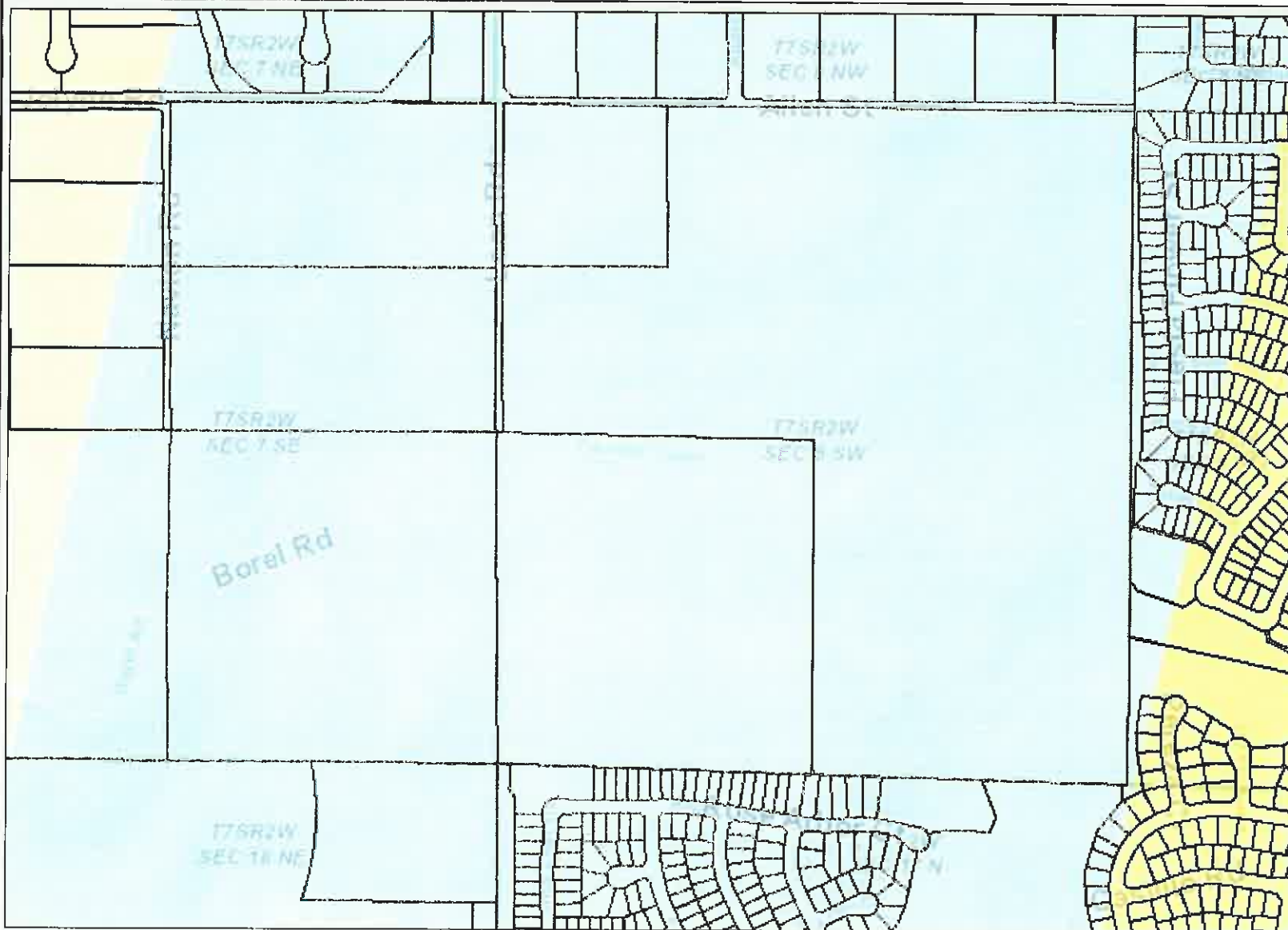


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### Notes

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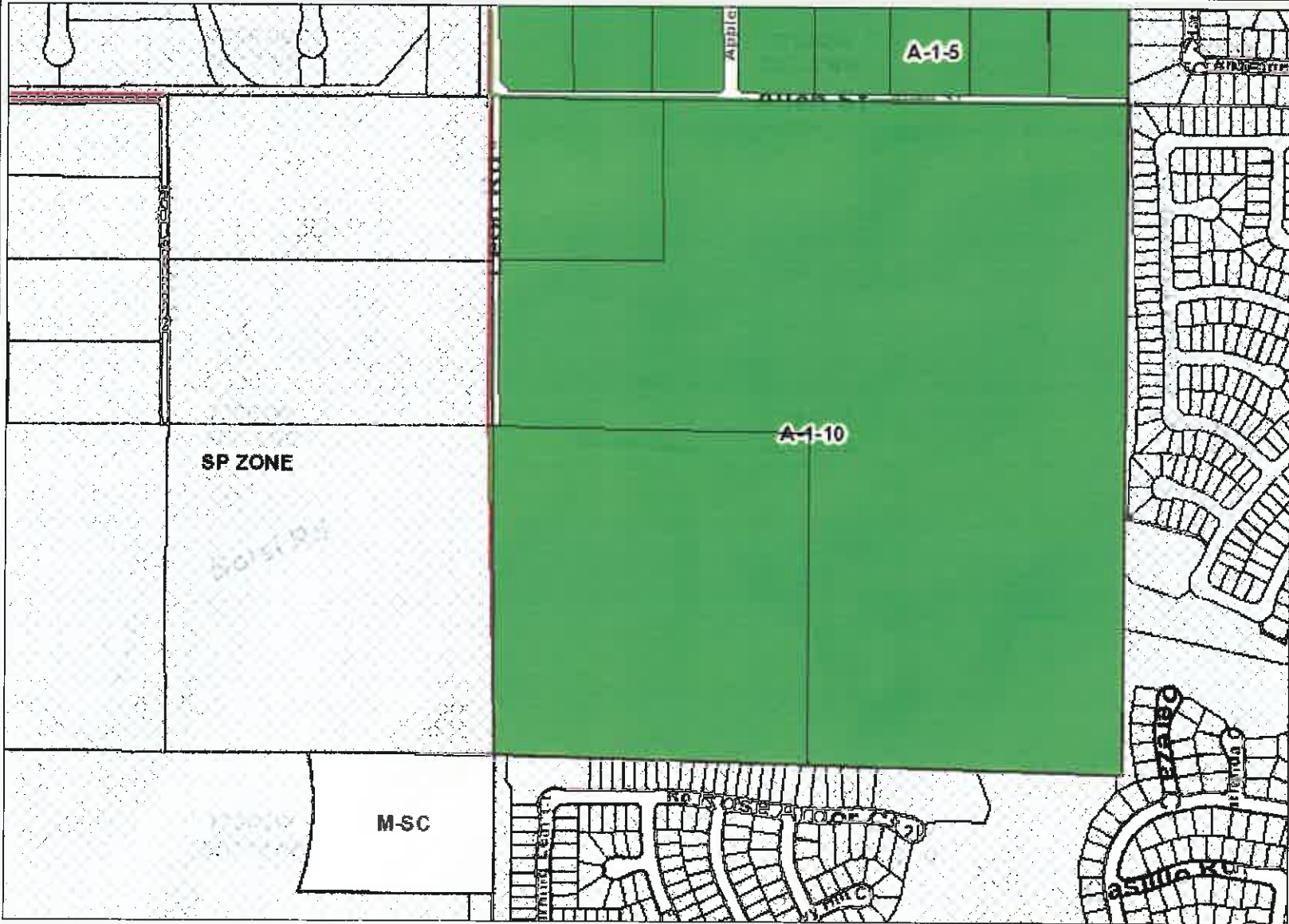


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## Notes

# Map My County Map



### Legend

- Parcels
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### Zoning

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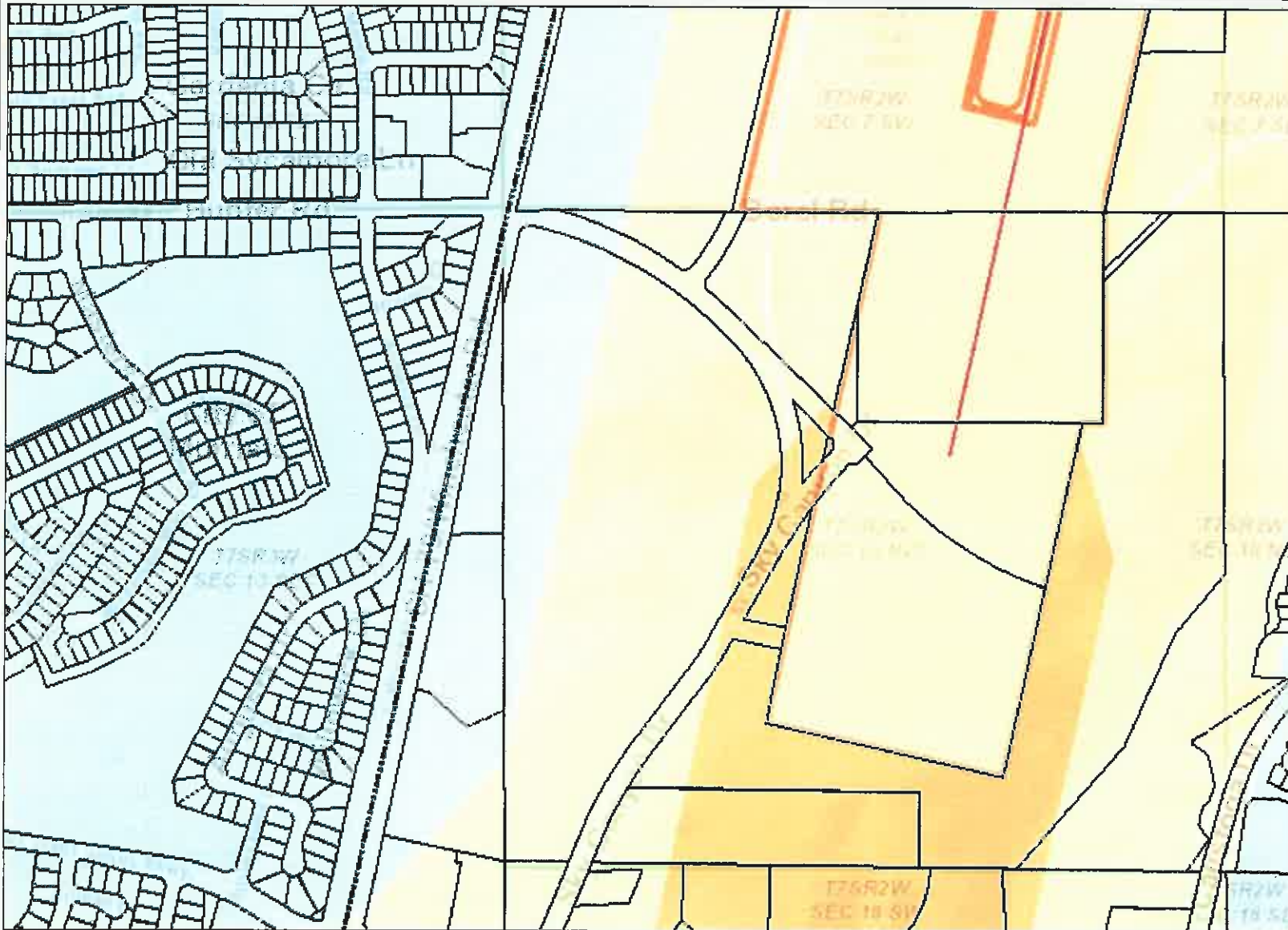
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### Notes



# Map My County Map



**Legend**

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**Airport Compatibility Zones**

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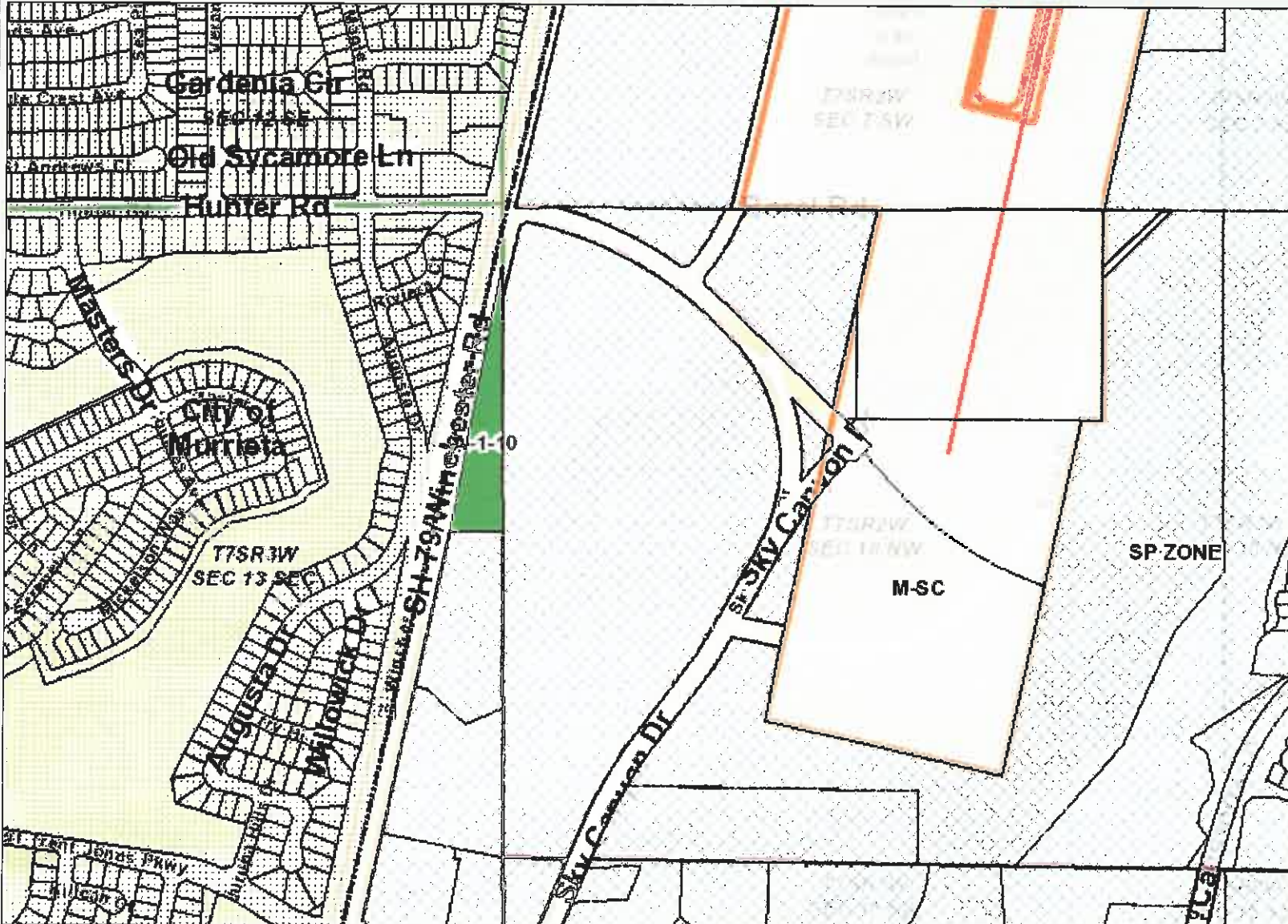
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**Notes**



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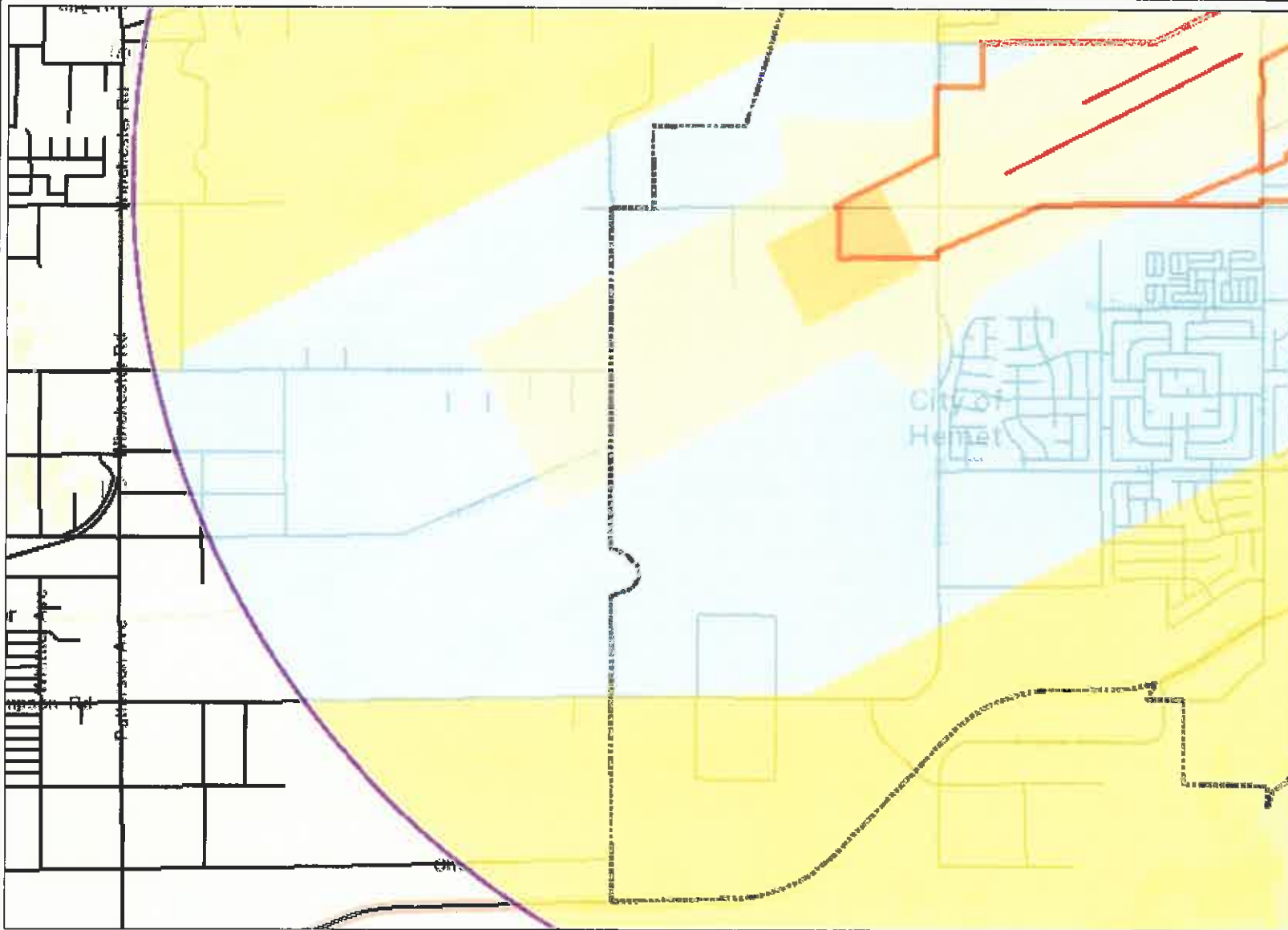
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### Notes

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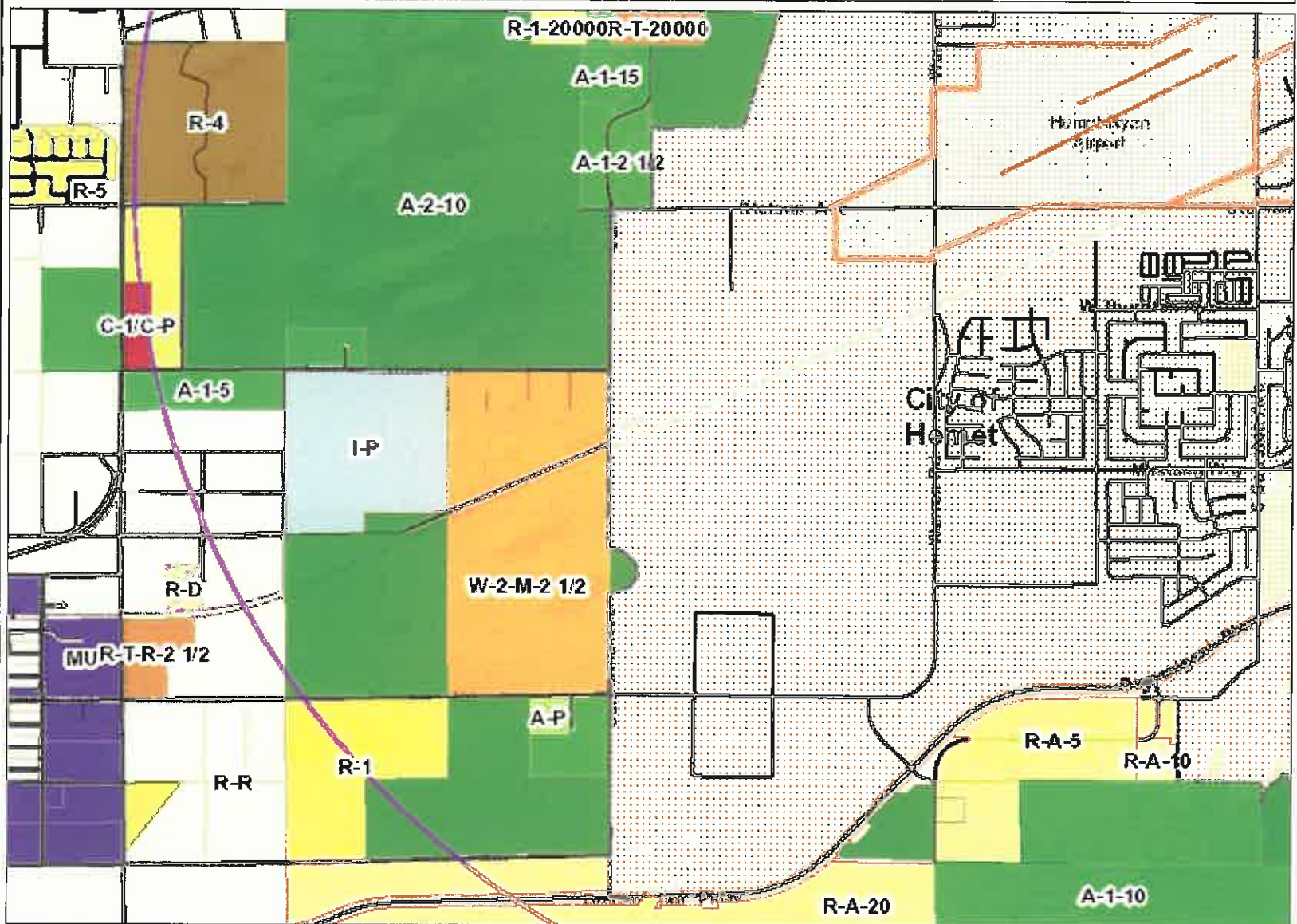
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**Notes**



# Map My County Map



### Legend

- Runways
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- Airport Influence Areas

#### Zoning

- OTHER ZONING
- A-1
- A-1-1
- A-1-1 1/2
- A-1-1/2
- A-1-10
- A-1-15
- A-1-2
- A-1-2 1/2
- A-1-2 1/4
- A-1-20
- A-1-30000
- A-1-4
- A-1-40
- A-1-5
- A-2
- A-2-1
- A-2-10
- A-2-2
- A-2-2 1/2
- A-2-20
- A-2-5
- A-D



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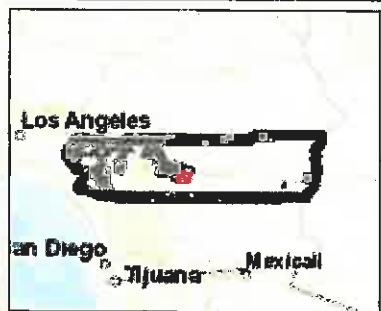


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### Notes

# Map My County Map



### Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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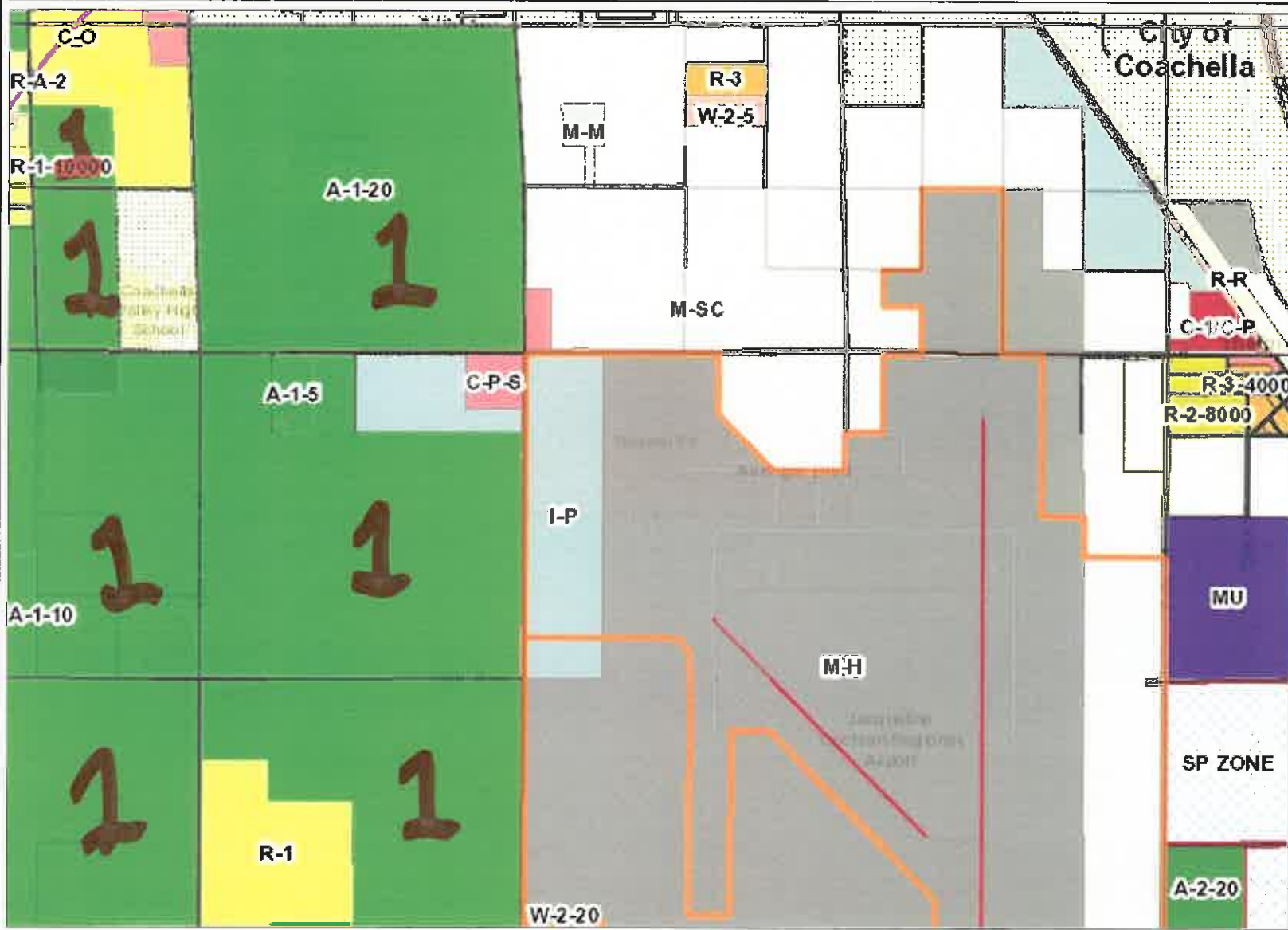
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### Notes

# Map My County Map

NU: A-1 in C, D, por. of B1



### Legend

- Runways
- Airports
- Airport Influence Areas

### Zoning

- OTHER ZONING
- A-1
- A-1-1
- A-1-1 1/2
- A-1-1/2
- A-1-10
- A-1-15
- A-1-2
- A-1-2 1/2
- A-1-2 1/4
- A-1-20
- A-1-30000
- A-1-4
- A-1-40
- A-1-5
- A-2
- A-2-1
- A-2-10
- A-2-2
- A-2-2 1/2
- A-2-20
- A-2-5
- A-2-20
- A-D



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### Notes



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# Map My County Map



## Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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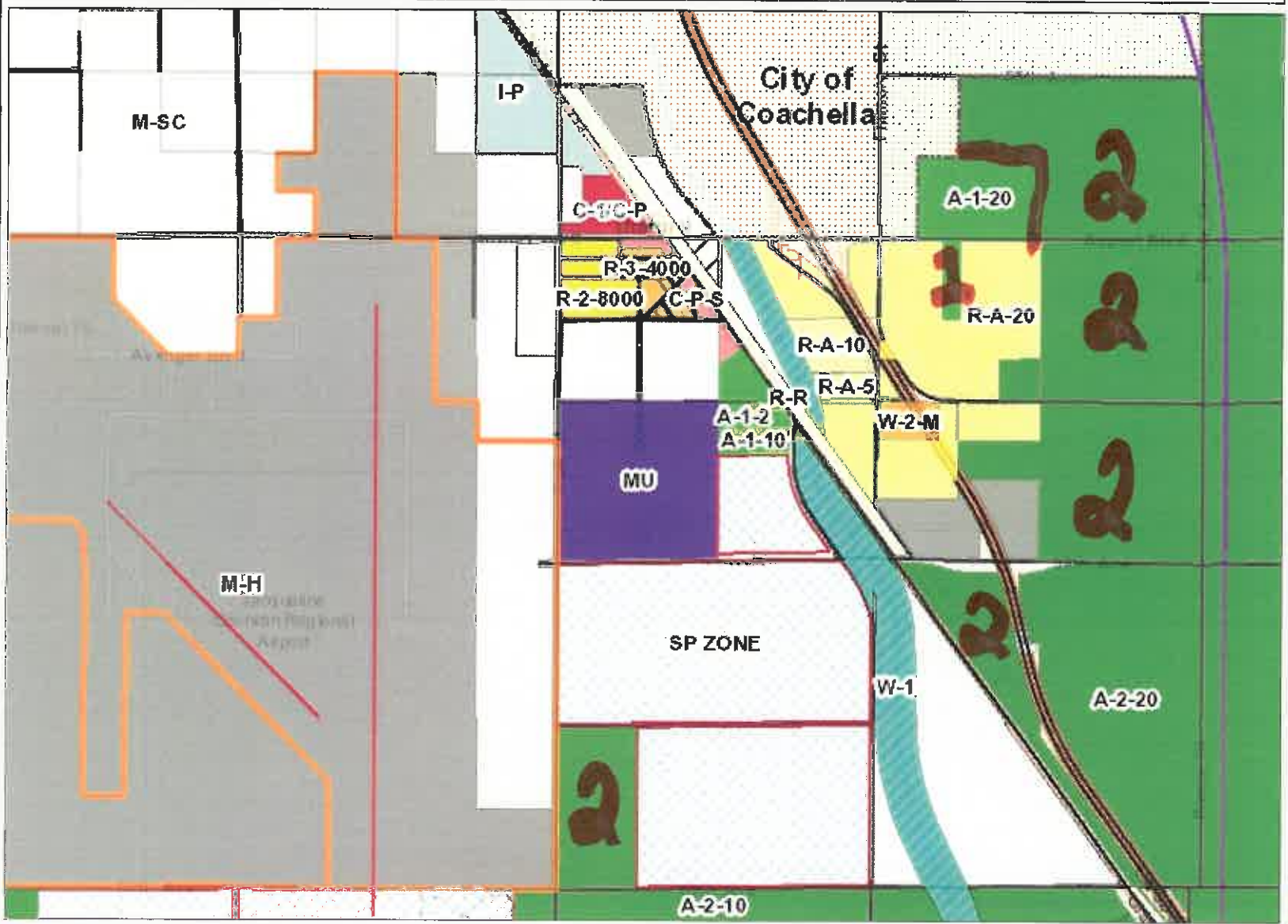
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## Notes



# Map My County Map

NE: A1, RA, A-2 in D



### Legend

- Runways
- Airports
- Airport Influence Areas

### Zoning

- OTHER ZONING
- A-1
- A-1-1
- A-1-1 1/2
- A-1-1/2
- A-1-10
- A-1-15
- A-1-2
- A-1-2 1/2
- A-1-2 1/4
- A-1-20
- A-1-30000
- A-1-4
- A-1-40
- A-1-5
- A-2
- A-2-1
- A-2-10
- A-2-2
- A-2-2 1/2
- A-2-20
- A-2-5
- A-D



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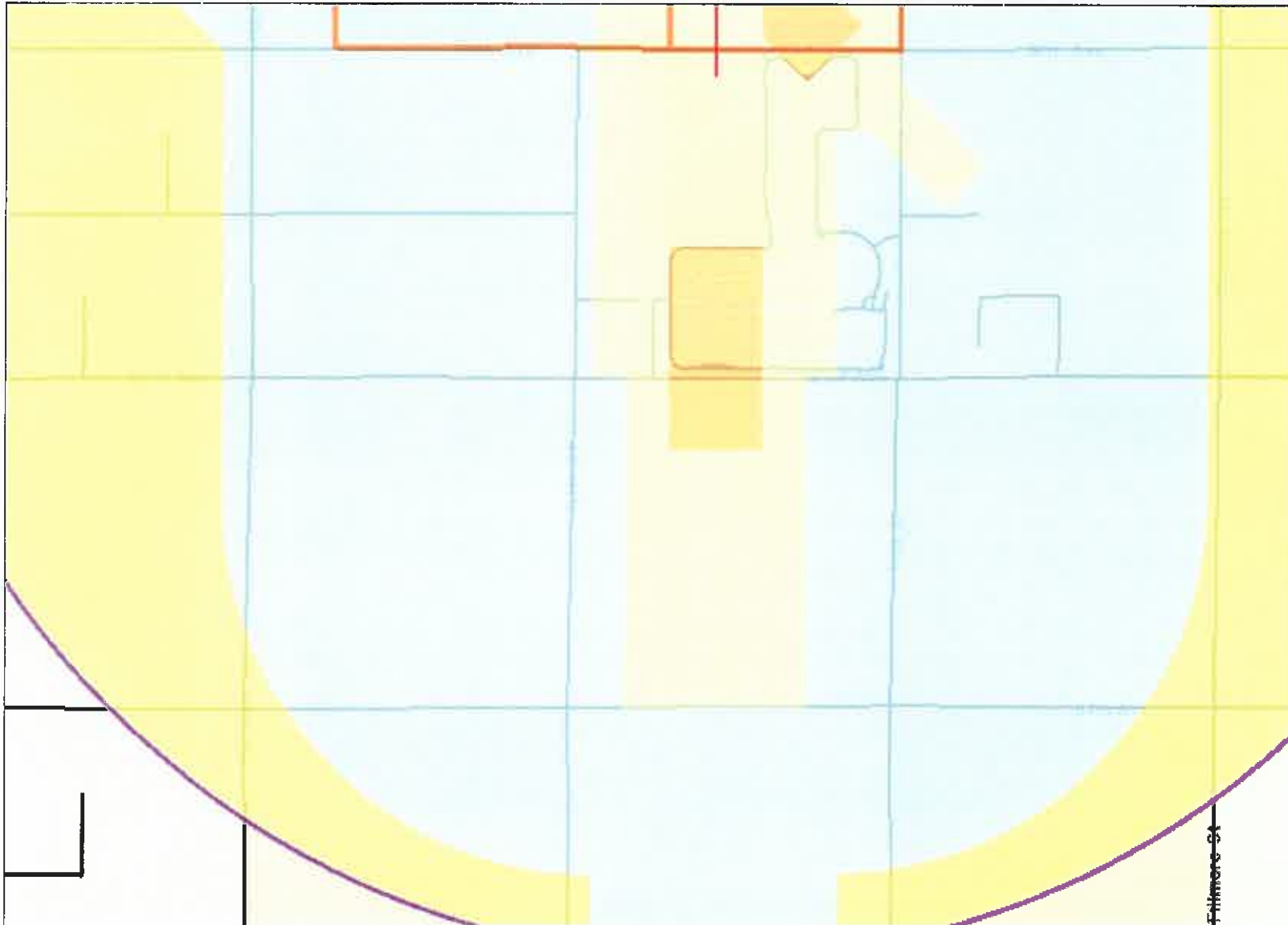


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### Notes

# Map My County Map



## Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-FXC5
- C2-EXC6



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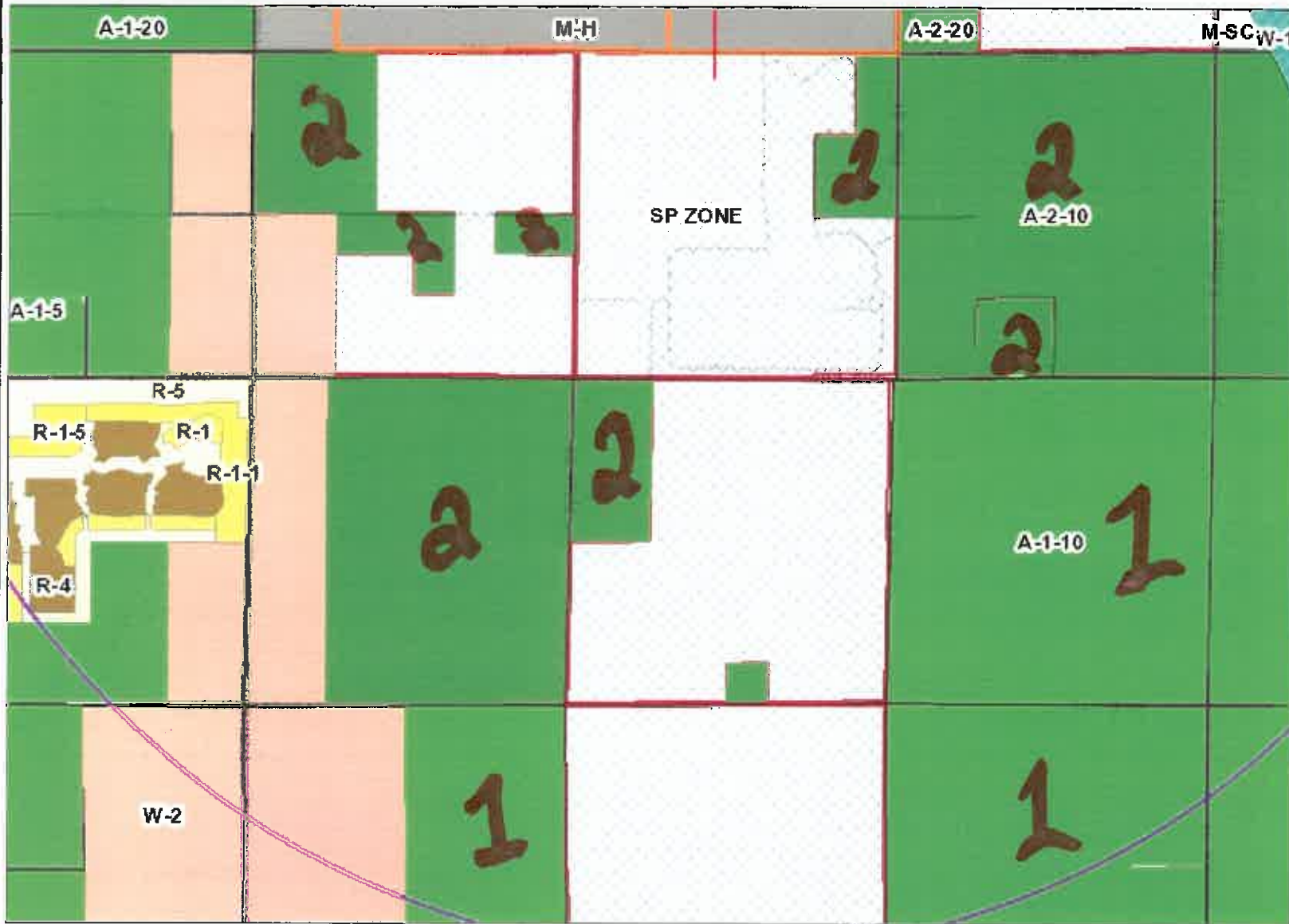
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## Notes

# Map My County Map

S (near); A-1, A-2 in C, D



### Legend

- Runways
- Airports
- Airport Influence Areas

### Zoning

- OTHER ZONING
- A-1
- A-1-1
- A-1-1 1/2
- A-1-1/2
- A-1-10
- A-1-15
- A-1-2
- A-1-2 1/2
- A-1-2 1/4
- A-1-20
- A-1-30000
- A-1-4
- A-1-40
- A-1-5
- A-2
- A-2-1
- A-2-10
- A-2-2
- A-2-2 1/2
- A-2-20
- A-2-5
- A-D



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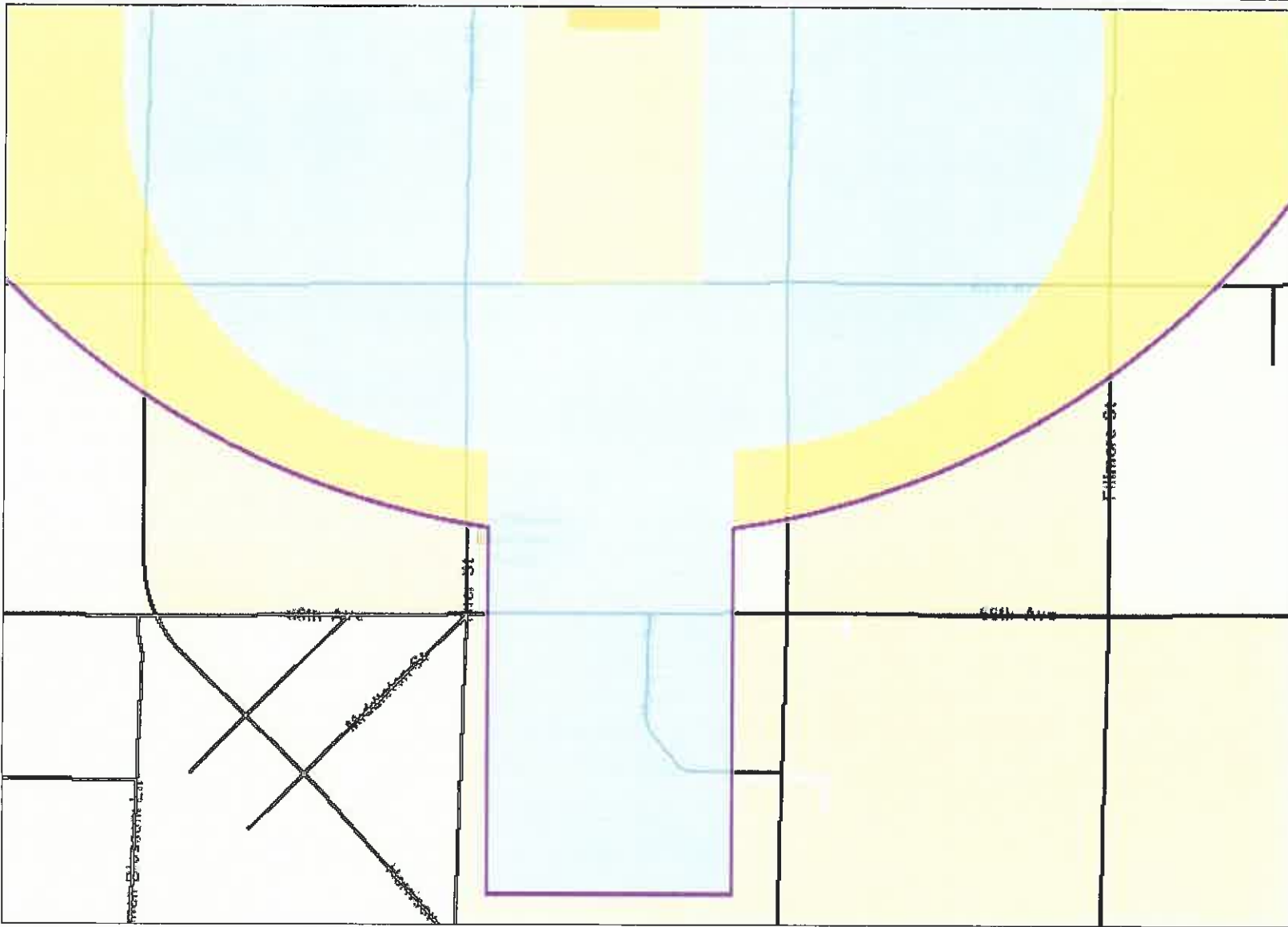


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### Notes

# Map My County Map



### Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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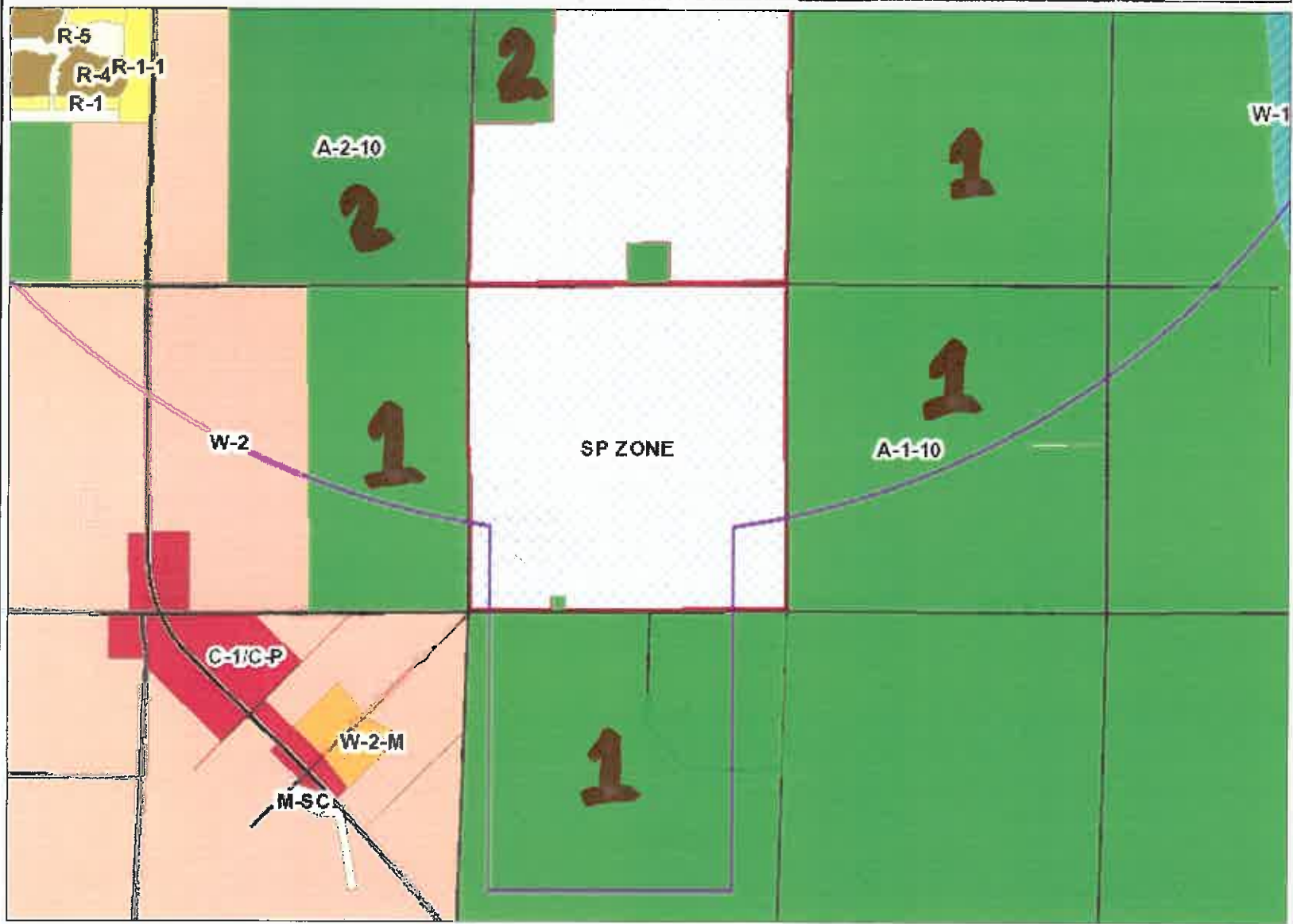


### Notes



# Map My County Map

*Sext: A-1 in D*



### Legend

- Runways
- Airports
- Airport Influence Areas

### Zoning

- OTHER ZONING
- A-1
- A-1-1
- A-1-1 1/2
- A-1-1/2
- A-1-10
- A-1-15
- A-1-2
- A-1-2 1/2
- A-1-2 1/4
- A-1-20
- A-1-30000
- A-1-4
- A-1-40
- A-1-5
- A-2
- A-2-1
- A-2-10
- A-2-2
- A-2-2 1/2
- A-2-20
- A-2-5
- A-D



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### Notes

# Map My County Map



## Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC6
- C2-EXC6



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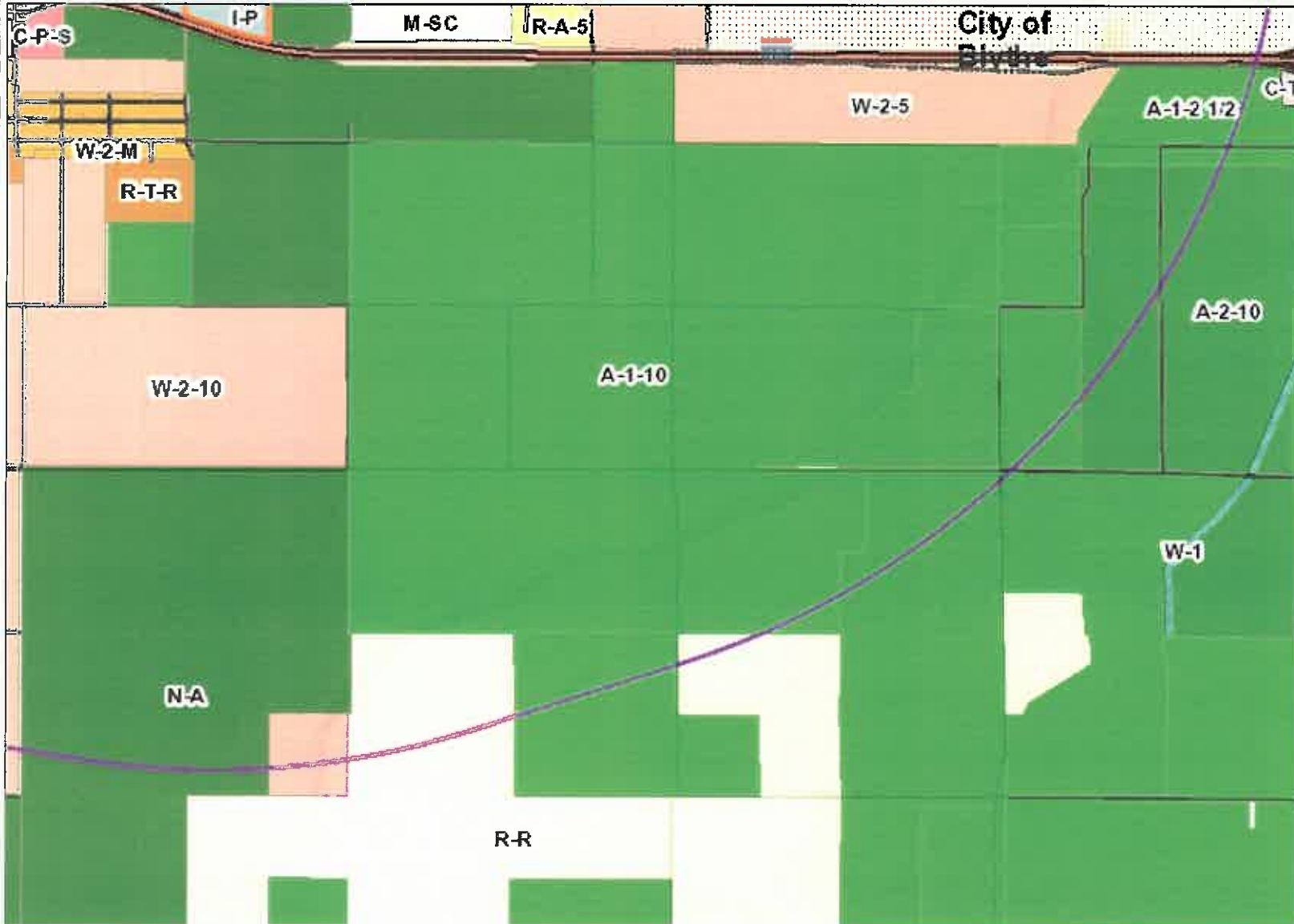
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## Notes



# Map My County Map



**Legend**

- Runways
- Airports
- Airport Influence Areas

**Zoning**

- OTHER ZONING
- A-1
- A-1-1
- A-1-1 1/2
- A-1-1/2
- A-1-10
- A-1-15
- A-1-2
- A-1-2 1/2
- A-1-2 1/4
- A-1-20
- A-1-30000
- A-1-4
- A-1-40
- A-1-5
- A-2
- A-2-1
- A-2-10
- A-2-2
- A-2-2 1/2
- A-2-20
- A-2-5
- A-D



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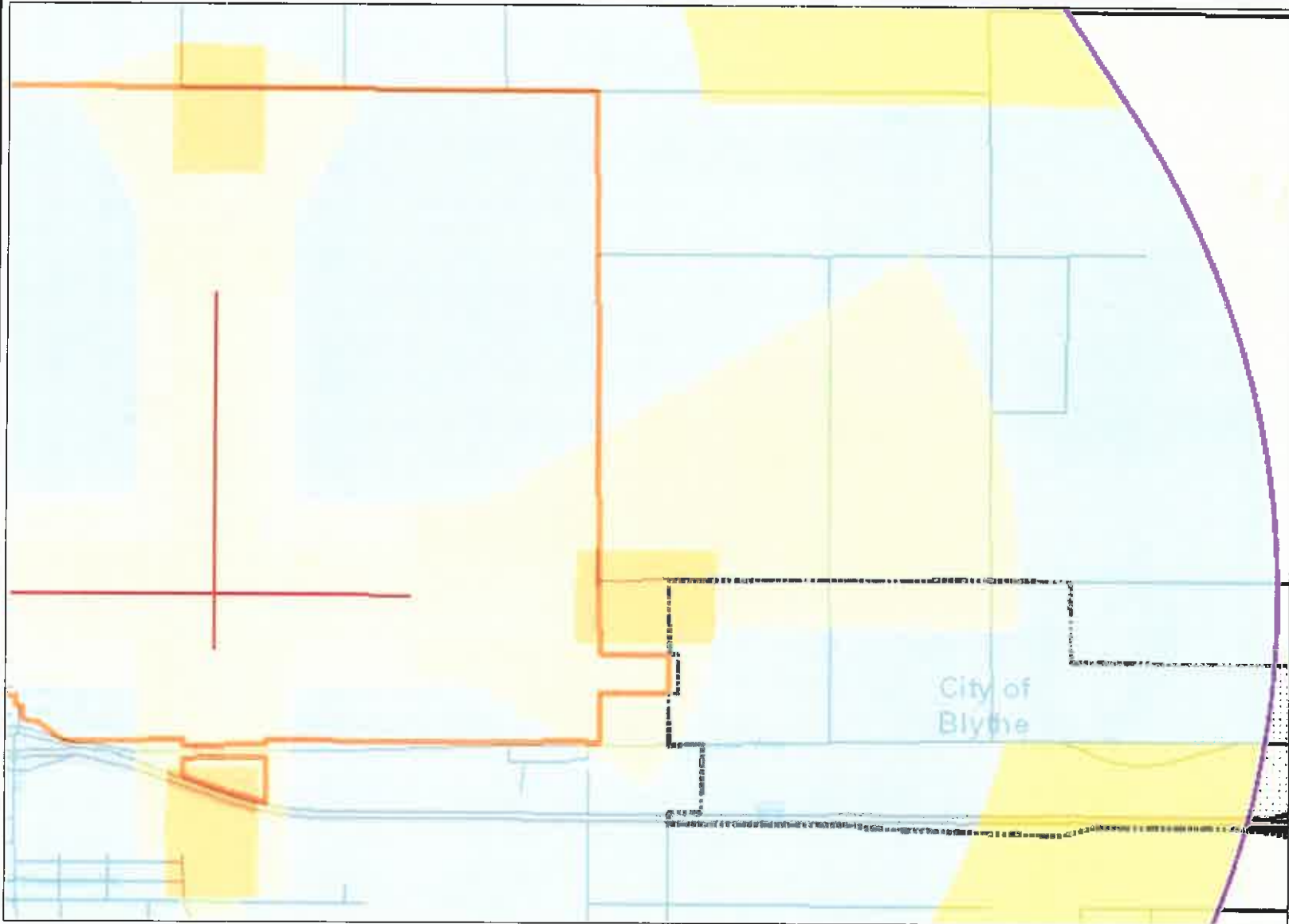


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**Notes**

# Map My County Map



**Legend**

- Runways
- Airports
- Airport Influence Areas

**Airport Compatibility Zones**

- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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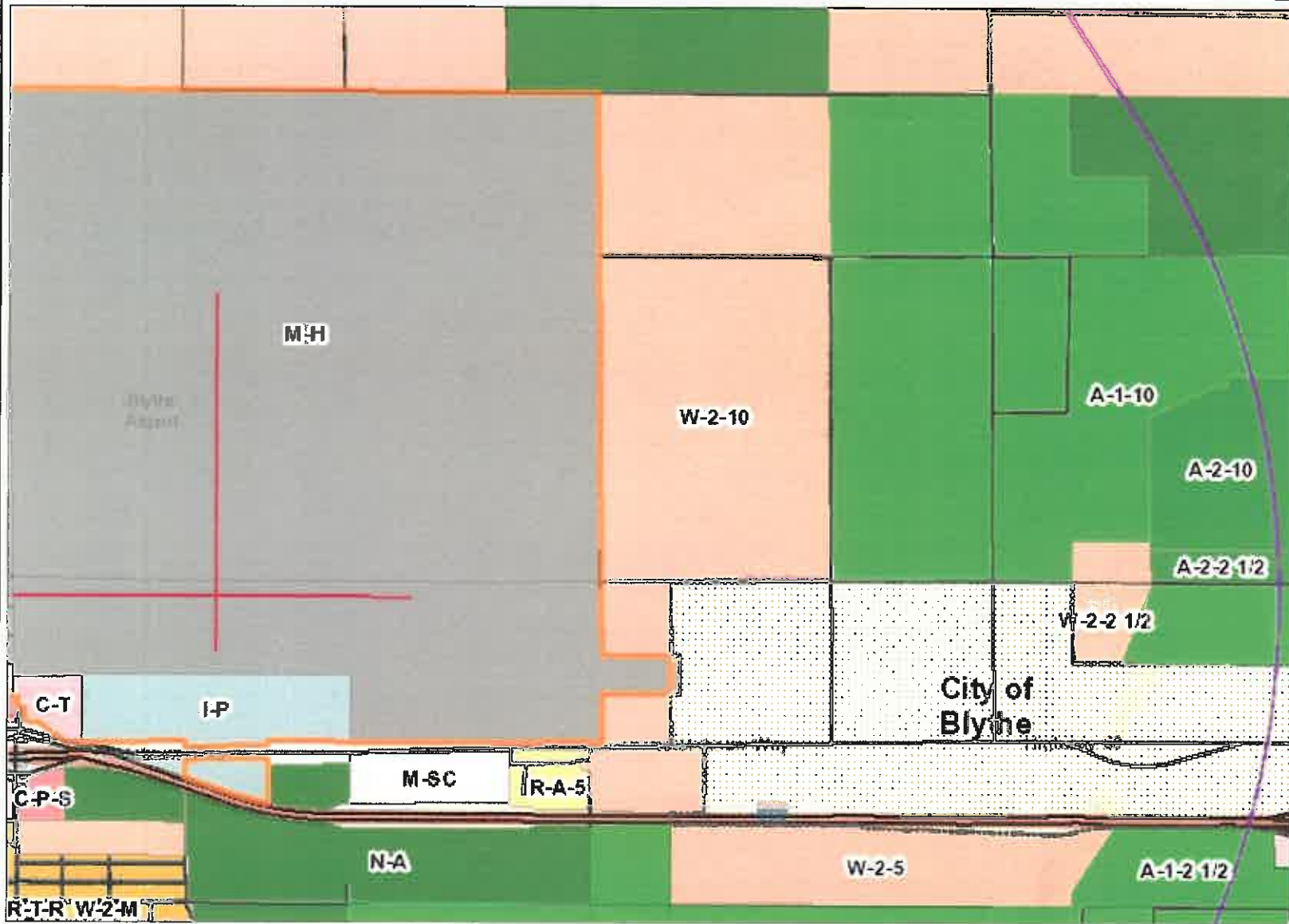


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**Notes**

# Map My County Map



### Legend

- Runways
- Airports
- Airport Influence Areas
- Zoning**
- OTHER ZONING
- A-1
- A-1-1
- A-1-1 1/2
- A-1-1/2
- A-1-10
- A-1-15
- A-1-2
- A-1-2 1/2
- A-1-2 1/4
- A-1-20
- A-1-30000
- A-1-4
- A-1-40
- A-1-5
- A-2
- A-2-1
- A-2-10
- A-2-2
- A-2-2 1/2
- A-2-20
- A-2-5
- A-D



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### Notes

## NOTICE OF PUBLIC HEARING RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the application described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. For more information please contact **ALUC Planner John Guerin at (951) 955-0982**. The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan.

The Riverside County Planning Department may hold hearings on this item and should be contacted on non-ALUC issues. For more information please contact County of Riverside Planner Mr. Robert Flores at (951) 955-1195.

The proposed project application may be viewed and written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14<sup>th</sup> Floor, Riverside, California 92501, Monday through Thursday from 8:00 a.m. to 5:00 p.m., except Thursday, July 4 (Independence Day), and by prescheduled appointment on Fridays from 9:00 a.m. to 5:00 p.m.

PLACE OF HEARING:       Riverside County Administration Center  
                                  4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
                                  Riverside California

DATE OF HEARING:        July 11, 2019

TIME OF HEARING:        9:30 A.M.

### CASE DESCRIPTION:

**ZAP1039RG19 – County of Riverside (Representatives: Robert Flores and Peter Hersh, Riverside County Planning Department) – County of Riverside Planning Case No. CZ 190012 (Ordinance Amendment).** A County-initiated proposal to amend Ordinance No. 348 to comply with State law and implement the 2018 Eight Year Action Plan Update included in the Riverside County General Plan's Housing Element. Certification of the Housing Element by the State of California Housing and Community Development was contingent in part upon adoption of these follow-up ordinance changes. This amendment would: (1) allow up to 12 units or spaces for use by a single family or household, or a group quarters with up to 36 beds, as a "by-right" permitted use on any lot zoned R-R, R-A, A-1, A-2, A-P, A-D, C-V, WC-W, WC-WE, WC-E or WC-R; (2) amend the permitted uses and development standards of the R-7 and MU zones; (3) revise Section 18.18 regarding accessory structures; (4) change references to "second units" to "accessory dwelling units," amend the development standards for these units to comply with State law, and allow them as a "by-right" use, except in prohibited areas; (5) incorporate provisions and procedures to allow for density bonuses; (6) clarify that supportive and transitional housing is to be allowed on the same basis as any other housing units; (7) define single room occupancy units and allow them with a conditional use permit in the C-1/C-P and MU zones; and (8) add definitions of "accessory dwelling unit," "employee housing," "supportive housing," and "transitional housing." (Countywide)



# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

RF  
County  
wide

## APPLICATION FOR MAJOR LAND USE ACTION REVIEW

ALUC CASE NUMBER: ZAP1039RG19 DATE SUBMITTED: 5/1/19

### APPLICANT / REPRESENTATIVE / PROPERTY OWNER CONTACT INFORMATION

Applicant	Riverside County Planning Department	Phone Number <u>951-955-1195</u>
Mailing Address	Attn: Robert Flores, Urban and Regional Planner III 4080 Lemon Street, 12th Floor Riverside, CA 92501	Email <u>RFlores@rivco.org</u>
Representative	See Applicant section	Phone Number <u>--</u>
Mailing Address	--	Email <u>--</u>
Property Owner	See Applicant section	Phone Number <u>--</u>
Mailing Address	--	Email <u>--</u>

### LOCAL JURISDICTION AGENCY

Local Agency Name	County of Riverside: TLMA-Planning Department	Phone Number <u>951-955-1195</u>
Staff Contact	Robert Flores	Email <u>RFlores@rivco.org</u>
Mailing Address	4080 Lemon Street, 12th Floor Riverside CA, 92501	Case Type <u>Change of Zone</u>
Local Agency Project No	<u>Change of Zone NO. 1900012 - Housing Ordinances</u>	<input type="checkbox"/> General Plan / Specific Plan Amendment <input checked="" type="checkbox"/> Zoning Ordinance Amendment <input type="checkbox"/> Subdivision Parcel Map / Tentative Tract <input type="checkbox"/> Use Permit <input type="checkbox"/> Site Plan Review/Plot Plan <input type="checkbox"/> Other

### PROJECT LOCATION

*Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways*

Street Address	<u>The unincorporated areas of the County of Riverside</u>		
Assessor's Parcel No.	<u>N/A</u>	Gross Parcel Size	<u>N/A</u>
Subdivision Name	<u>N/A</u>	Nearest Airport and distance from Airport	<u>All</u>
Lot Number	<u>N/A</u>		

### PROJECT DESCRIPTION

*If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees; include additional project description data as needed*

Existing Land Use (describe)	<u>Please see attached summary.</u>

Proposed Land Use (describe)			
For Residential Uses	Number of Parcels or Units on Site (exclude secondary units)	N/A	
For Other Land Uses	Hours of Operation	N/A	
(See Appendix C)	Number of People on Site	N/A	Maximum Number
	Method of Calculation	N/A	
Height Data	Site Elevation (above mean sea level)	N/A	ft.
	Height of buildings or structures (from the ground)	N/A	ft.
Flight Hazards	Does the project involve any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?		<input type="checkbox"/> Yes
	If yes, describe		<input checked="" type="checkbox"/> No
	N/A		

- A. **NOTICE:** Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive, of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.
- B. **REVIEW TIME:** Estimated time for "staff level review" is approximately 30 days from date of submittal. Estimated time for "commission level review" is approximately 45 days from date of submittal to the next available commission hearing meeting.
- C. **SUBMISSION PACKAGE:**
1. . . . . Completed ALUC Application Form
  1. . . . . ALUC fee payment
  1. . . . . Plans Package (24x36 folded) (site plans, floor plans, building elevations, landscaping plans, grading plans, subdivision maps)
  1. . . . . Plans Package (8.5x11) (site plans, floor plans, building elevations, landscaping plans, grading plans, subdivision maps, zoning ordinance/GPA/SPA text/map amendments)
  1. . . . . CD with digital files of the plans (pdf)
  1. . . . . Vicinity Map (8.5x11)
  1. . . . . Detailed project description
  1. . . . . Local jurisdiction project transmittal
  3. . . . . Gummed address labels for applicant/representative/property owner/local jurisdiction planner
  3. . . . . Gummed address labels of all surrounding property owners within a 300 foot radius of the project site (**only required if the project is scheduled for a public hearing Commission meeting**). If more than 100 property owners are involved, please provide pre-stamped envelopes (size #10) with ALUC return address. \*

\* Projects involving heliports/helicopter landing sites will require additional noticing procedures.



# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## STAFF REPORT

### ADMINISTRATIVE ITEMS

#### 4.1 Director's Approvals.

- A. During the period of May 17, 2019 through June 15, 2019, as authorized pursuant to ALUC Resolution No. 2015-01, as extended by Resolution Nos. 2016-02 and 2018-02, ALUC Director Simon Housman reviewed two legislative case sets (including two associated non-legislative cases) within Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Areas and issued determinations of consistency.

ZAP1367MA19 pertains to City of Menifee Case Nos. SP2018-181 (Specific Plan), a proposal for a new Specific Plan (Menifee Valley Specific Plan) on 594 acres located southerly of State Highway Route 74, northeasterly of Matthews Road, easterly of Menifee Road, and westerly of Briggs Road, CZ2019-061 (Change of Zone/Zoning Ordinance), a zoning ordinance amendment associated with a previously reviewed proposal (City Case No. SP2018-182) to delete this 594-acre area from Specific Plan No. 301 (Menifee Valley Ranch Specific Plan), and TR2018-209 (Tentative Tract Map No. 37573), a proposal to divide this 594-acre area into 14 parcels for conveyance and financing purposes, with the parcel boundaries coinciding with the boundaries of Planning Areas within the proposed associated Menifee Valley Specific Plan. The proposed 594-acre Menifee Valley Specific Plan would include 472 acres of residential uses at densities of 3.2 to 7.5 dwelling units per acre (2,757 units), 27 acres of Open Space – Recreation, 15 acres of Open Space – Conservation, 13 acres of retail – mixed use development, and 3 acres of civic uses (Public/Quasi Public Facilities). The overall dwelling unit count for the new Specific Plan would be capped at 2,757 dwelling units, although the dwelling unit count for any individual Planning Area could be up to 25 percent above or below its “target” allocation of dwelling units. CZ2019-061 proposes to revise the zoning ordinance for Menifee Valley Ranch Specific Plan No. 301 to delete references to the Planning Areas northeasterly of Matthews Road that are being deleted from that Specific Plan as a result of Menifee Valley Ranch Specific Plan No. 301, Amendment No. 4 (already reviewed and determined to be consistent pursuant to ALUC Case No. ZAP1329MA18). The site is located within Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area, where residential density and nonresidential intensity are not restricted. The actual nearest runway to the site is Runway 15-33 at Perris Valley Airport, but the site is 24,000 feet from that runway and 10 miles from the runways at March Air Reserve Base/Inland Port Airport. Therefore, Federal Aviation Administration Obstruction Evaluation Service (FAA OES) review was not required. On May 22, 2019, ALUC Director Simon Housman issued a determination of consistency for the proposed Specific Plan and ordinance amendment, provided that the City incorporates into the text of the new Specific Plan an acknowledgement that the Specific Plan is located within Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area and that subsequent underlying entitlements will be reviewed in light of the then-applicable Airport Land Use Compatibility Plan. He also issued a determination of consistency for the proposed Tentative Tract Map.

ZAP1369MA19 pertains to City of Riverside Case Nos. P18-0179 (General Plan Amendment), a proposal to amend the General Plan designation of 1.15 acres located along the southerly side of Columbia Avenue, westerly of its intersection with Chicago Avenue and easterly of its intersection with La Cadena Drive, from Medium Density Residential to Commercial, P18-0180 (Rezone), a proposal to change the zoning of the

same property from R-1-7,000 (Single-Family Residential, 7,000 square foot minimum lot size) to CR (Commercial Retail), and P18-0181 (Design Review), a proposal to construct four retail commercial buildings with a combined gross floor area of 18,294 square feet on this property. (An associated Variance [Case No. P18-0884] proposes to reduce the number of parking spaces required for the project.) The site is located within Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area, where nonresidential intensity is not limited. The site elevation is more than 500 feet lower than the elevation of March's Runway 14-32 at its northerly terminus, and the site is more than 31,000 feet from the runways at Riverside Municipal Airport. Flabob Airport is approximately 17,000 feet away, but as Flabob's runway does not exceed a length of 3,200 feet, the notice radius for that airport is only 10,000 feet, and the notice surface is evaluated on the basis of a 50:1 slope, rather than a 100:1 slope. Therefore, Federal Aviation Administration Obstruction Evaluation Service (FAA OES) review for height/elevation reasons was not required. A determination of consistency for this project was issued by ALUC Director Simon Housman on June 6, 2019.

- B. Additionally, ALUC Director Simon Housman reviewed one jurisdiction-initiated non-impact case pursuant to ALUC Resolution No. 2011-02 and issued a determination of consistency.

ZAP1040RG19 (Countywide unincorporated areas) pertains to County of Riverside Ordinance No. 457.104 (Ordinance Amendment), a proposal to amend County Ordinance No. 457 relating to building requirements and adopting, as amended: the 2016 California Administrative Code; the 2016 California Building Code; the 2016 California Electrical Code; the 2016 California Energy Code; the 2016 California Green Building Standards Code; the 2016 California Historic Buildings Code; the 2016 California Mechanical Code; the 2016 California Plumbing Code; and the 2016 California Residential Code. The amendment also implements building requirements pursuant to the State Housing Law, Mobilehome Parks Act, Special Occupancy Parks Act, Employee Housing Act, and Factory-Built Housing Law. The proposed revised ordinance does not amend allowable land uses or development standards in a manner that would affect residential densities or the intensity of nonresidential uses and does not introduce new uses into any zone or General Plan designation. Therefore, this ordinance amendment has no possibility for having an impact on the safety of air navigation or on the consistency/inconsistency status of the County's General Plan relative to any given Airport Land Use Compatibility Plan. ALUC Director Simon Housman issued a determination of consistency for this project on June 10, 2019.

#### 4.2 Election of Commission Officers

The Commission will elect a Chair and Vice-Chair.

#### 4.3 Resolution No. 2019-03 (Document Retention Policy)

Staff recommends that the Commission adopt Resolution No. 2019-03 and the attached ALUC Document Retention Procedure for Case Files.



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

4.1

May 22, 2019

Ms. Tamara Harrison, Senior Planner  
City of Menifee Community Development Department  
29844 Haun Road  
Menifee CA 92586

**CHAIR**  
Steve Manos  
Lake Elsinore

**VICE CHAIR**  
Russell Betts  
Desert Hot Springs

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW – DIRECTOR’S DETERMINATION**

**COMMISSIONERS**

Arthur Butler  
Riverside

John Lyon  
Riverside

Steven Stewart  
Palm Springs

Richard Stewart  
Moreno Valley

Gary Youmans  
Temecula

**STAFF**

**Director**  
Simon A. Housman

John Guerin  
Paul Rull  
Barbara Santos

County Administrative Center  
4080 Lemon St., 14th Floor.  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

File No.: ZAP1367MA19 – Letter 1 of 2  
Related File Nos.: SP2018-181 (Specific Plan), CZ2019-061 (Change of Zone)  
APNs: 331-260-005, 331-260-006, 331-260-007, 331-260-008, 331-260-009, 331-270-005, 331-280-005, 331-290-004, 331-300-002, 331-300-004, 331-300-005, 331-300-007, 331-300-009, 333-170-006, 333-170-011, 333-170-012, 333-170-013

Dear Ms. Harrison:

Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to ALUC Resolution No.15-01 (as adopted on August 13, 2015), staff reviewed City of Menifee Case Nos. SP2018-181 (Specific Plan), a proposal for a new Specific Plan (Menifee Valley Specific Plan) on 594 acres located southerly of State Highway Route 74, northeasterly of Matthews Road, easterly of Menifee Road, and westerly of Briggs Road, and CZ2019-061 (Change of Zone), a zoning ordinance amendment associated with a previously reviewed proposal (City Case No. SP2018-182) to delete this 594-acre area from Specific Plan No. 301 (Menifee Valley Ranch Specific Plan).

SP2018-181 proposes a new specific plan consisting of 594 acres, including 472 acres of residential uses at densities of 3.2 to 7.5 dwelling units per acre (2,757 units), 27 acres of Open Space-Recreation, 15 acres of Open Space-Conservation, 13 acres of retail – mixed use development, and 3 acres of civic uses (Public/Quasi Public Facilities). The overall dwelling unit count for the new Specific Plan would be capped at 2,757 dwelling units, although the dwelling unit count for any individual Planning Area could be up to 25 percent above or below its “target” allocation of dwelling units.

CZ2019-061 proposes to revise the zoning ordinance for Menifee Valley Ranch Specific Plan No. 301 to delete references to the Planning Areas northeasterly of Matthews Road that are being deleted from that Specific Plan through as a result of the Menifee Valley Ranch Specific Plan No. 301, Amendment No. 4 (already reviewed and determined to be consistent pursuant to ZAP1329MA18).

The site is located within Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area (AIA). Within Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, residential density and non-residential intensity is not restricted.

## AIRPORT LAND USE COMMISSION

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan ("March ALUCP"), provided that the City of Menifee incorporates in the text of the new Specific Plan an acknowledgement that the Specific Plan is located within Compatibility Zone E of the March Air Reserve Base/Inland Port Airport and that subsequent underlying entitlements will be reviewed in light of the then-applicable Airport Land Use Compatibility Plan.

This finding of consistency relates to airport compatibility issues and does not necessarily constitute an endorsement of the proposed Specific Plan and change of zone/ordinance amendment. As the site is located within Compatibility Zone E, both the existing and proposed Specific Plans are consistent with the March ALUCP.

If you have any questions, please contact Paul Rull, ALUC Principal Planner, at (951) 955-6893.

Sincerely,

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Simon A. Housman, ALUC Director

Attachments: Notice of Airport in Vicinity

cc: Brookfield Residential, Adrian Peters/Minor Ranch LLC (applicant/landowner)  
Albert A. Webb Associates, Melissa Perez (representative)  
Gary Gosliga, Airport Manager, March Inland Port Airport Authority  
Daniel Rockholt or Denise Hauser, March Air Reserve Base  
ALUC Case File

Y:\AIRPORT CASE FILES\March\ZAP1367MA19\ZAP1367MA19CZwSPRev.LTR.doc



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

May 22, 2019

Ms. Tamara Harrison, Senior Planner  
City of Menifee Community Development Department  
29844 Haun Road  
Menifee CA 92586

**CHAIR**  
Steve Manos  
Lake Elsinore

**VICE CHAIR**  
Russell Betts  
Desert Hot Springs

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW –  
DIRECTOR’S DETERMINATION**

**COMMISSIONERS**

Arthur Butler  
Riverside

John Lyon  
Riverside

Steven Stewart  
Palm Springs

Richard Stewart  
Moreno Valley

Gary Youmans  
Temecula

File No.: ZAP1367MA19 – Letter 2 of 2  
Related File Nos.: TR2018-209 (Tentative Tract Map No. 37573)  
APNs: 331-260-005, 331-260-006, 331-260-007, 331-260-008, 331-260-009, 331-270-005, 331-280-005, 331-290-004, 331-300-002, 331-300-004, 331-300-005, 331-300-007, 331-300-009, 333-170-006, 333-170-011, 333-170-012, 333-170-013

**This is an update to previously found consistent case ZAP1329MA18.**

Dear Ms. Harrison:

**STAFF**

Director  
Simon A. Housman

John Guerlin  
Paul Rull  
Barbara Santos

County Administrative Center  
4080 Lemor St., 14th Floor.  
Riverside, CA 92501  
(951) 955-5132

Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to Policy 1.5.2(d) of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan, staff reviewed City of Menifee Case No. TR2018-209 (Tentative Tract Map), a proposal to divide 594 acres located south of Highway 74, north of Matthews Road, east of Menifee Road and west of Briggs Road into 14 parcels for conveyance and financing purposes. The proposed parcel boundaries coincide with the boundaries of Planning Areas within the proposed associated Menifee Valley Specific Plan (SP2018-181).

The site is located within Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area (AIA). Within Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, residential density is not restricted.

Although the project is located within the March Air Reserve Base/Inland Port AIA, the actual nearest runway is Runway 15-33 at Perris Valley Airport. However, the southerly terminus of this runway is located approximately 24,000 feet from the project site. Runway 14-32 at March Air Reserve Base/Inland Port Airport at its southerly terminus is 10 miles from the site. Therefore, Federal Aviation Administration (FAA) obstruction evaluation review for height/elevation reasons is not required.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, provided that the City of Menifee applies the following recommended conditions:

[www.rcaluc.org](http://www.rcaluc.org)

# AIRPORT LAND USE COMMISSION

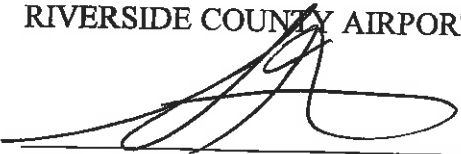
## CONDITIONS:

1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris centers, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all potential purchasers of the proposed lots and to tenants of the homes thereon.
4. All new aboveground detention or bioretention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention/bioretention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

If you have any questions, please contact Paul Rull, ALUC Principal Planner, at (951) 955-6893.

Sincerely,

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



---

Simon A. Housman, ALUC Director



# **AIRPORT LAND USE COMMISSION**

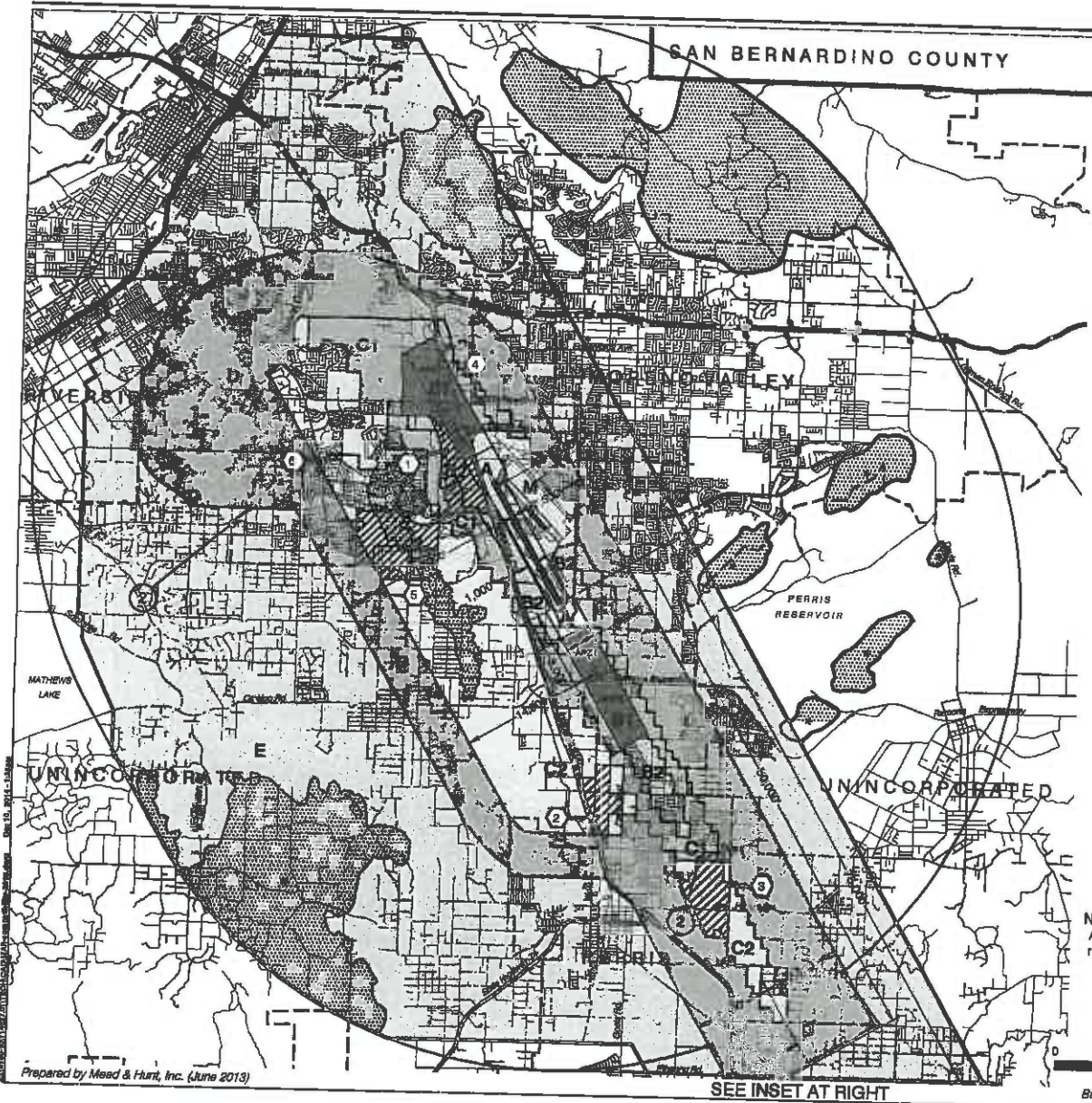
**Attachments: Notice of Airport in Vicinity**

**cc: Brookfield Residential, Adrian Peters/Minor Ranch LLC (applicant/landowner)  
Albert A. Webb Associates, Melissa Perez (representative)  
Gary Gosliga, Airport Manager, March Inland Port Airport Authority  
Daniel Rockholt or Denise Hauser, March Air Reserve Base  
ALUC Case File**

**Y:\AIRPORT CASE FILES\March\ZAP1367MA19\ZAP1367MA19TTM.LTR.doc**

# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)



**LEGEND**

**Compatibility Zones**

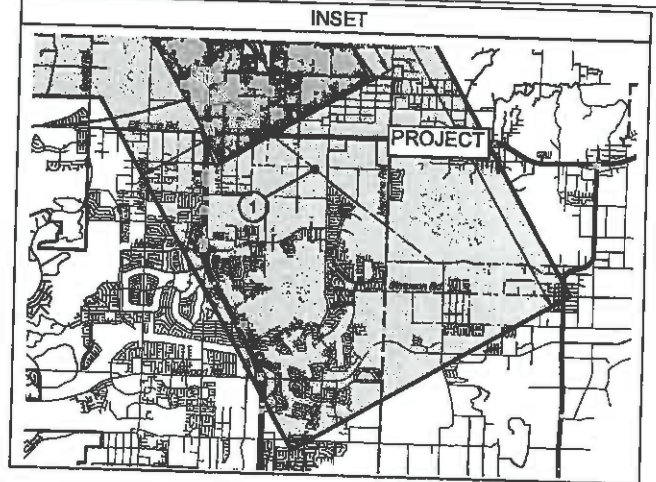
- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C1
- Zone C2
- Zone D
- Zone E
- Zone M
- High Terrain Zone
- FAR Part 77 Military Outer Horizontal Surface Limits
- FAR Part 77 Notification Area

**Boundary Lines**

- March Air Reserve Base / Air Force Property
- March Joint Powers Authority Property Line
- County Boundary
- City Limits
- ▨ Site-Specific Exceptions (existing local agency commitments to development projects)

- ① Point at which aircraft on Runway 32 ILS approach descend below 3,000 feet above runway end. Airport Elevation is 1,535 feet MSL.
- ② Point at which departing aircraft typically reach 3,000 feet above runway end.

- ① March JPA: March Business Center/Meridian
- ② Perris: Harvest Landing
- ③ Perris: Park West
- ④ Moreno Valley: Affordable Housing
- ⑤ March JPA: Ben Clark Training Center
- ⑥ Riverside: Ridge Crest Subdivision



**Riverside County  
Airport Land Use Commission  
March Air Reserve Base / Inland Port Airport  
Land Use Compatibility Plan  
(Adopted November 13, 2014)**

Map MA-1

**Compatibility Map  
March Air Reserve Base / Inland Port Airport**

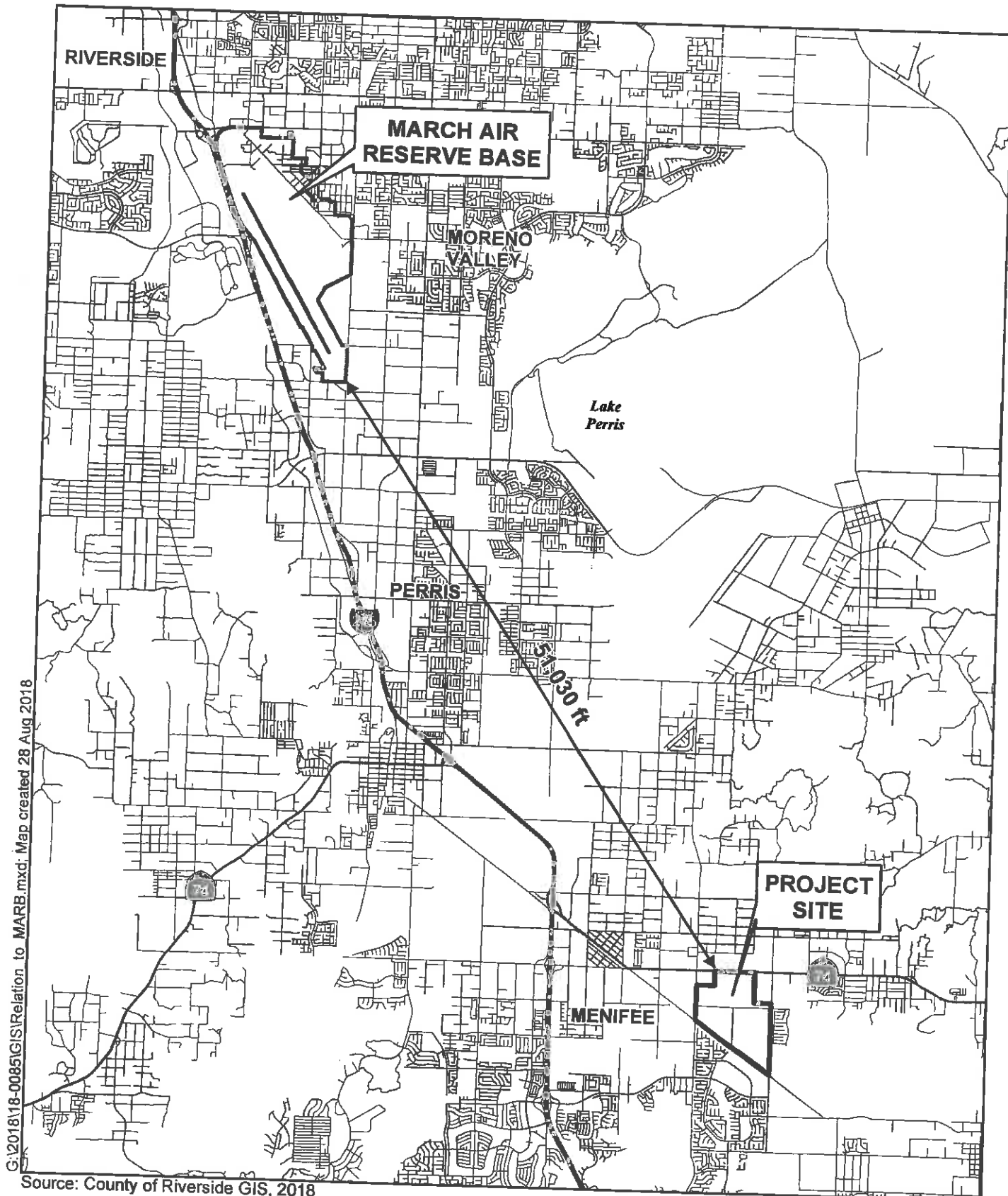
Note:  
All dimensions are measured from  
runway ends and centerlines.



Base map source: County of Riverside 2013

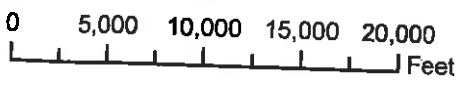
Prepared by Mead & Hunt, Inc. (June 2013)

SEE INSET AT RIGHT



G:\2018\18-0085\GIS\Relation to MARB.mxd; Map created 28 Aug 2018

Source: County of Riverside GIS, 2018



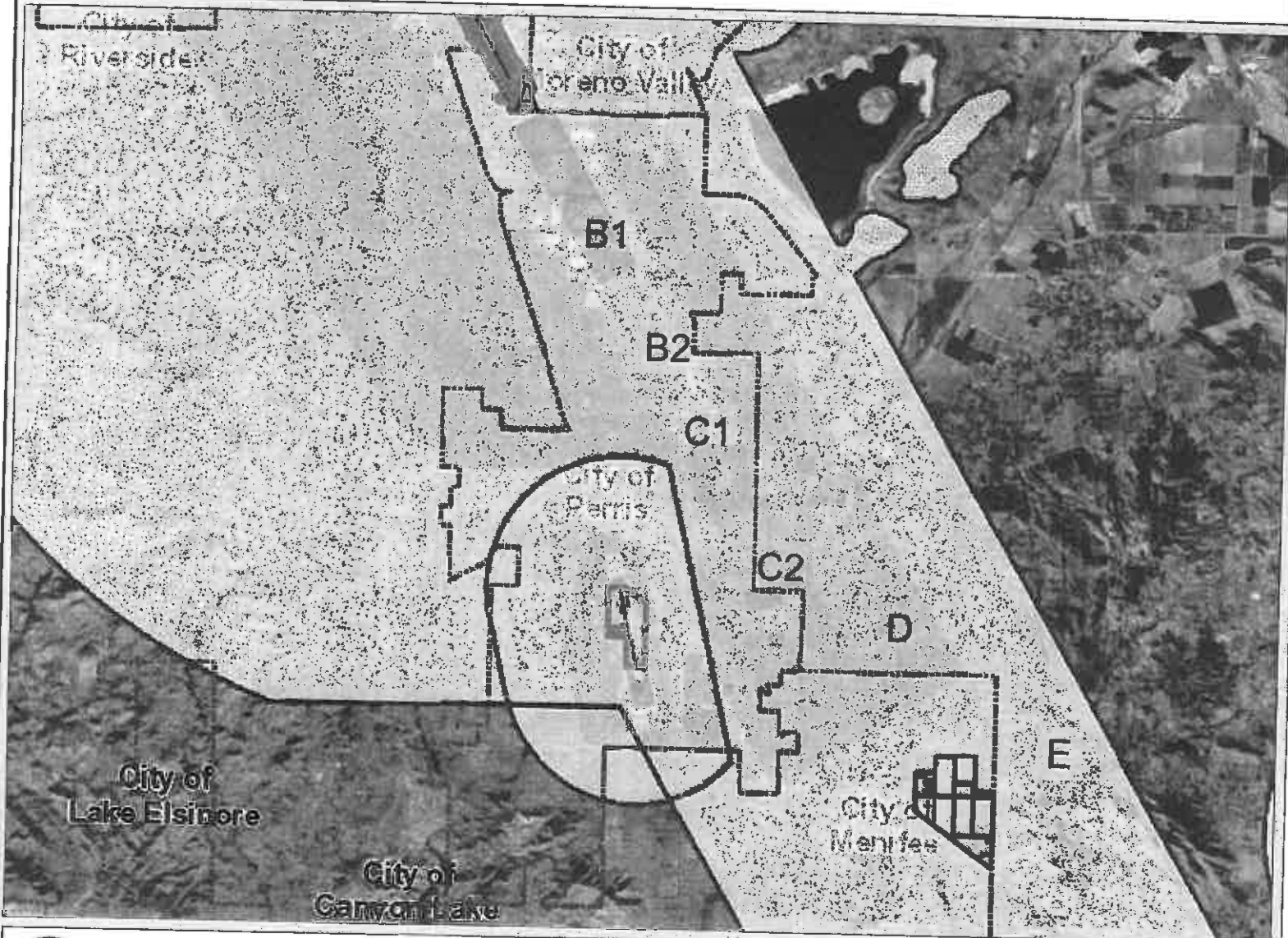
1 inch = 10,000 feet

**Relation to MARB**  
Menifee Valley





# Map My County Map



### Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



**\*IMPORTANT\*** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

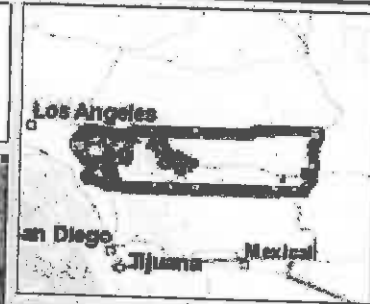
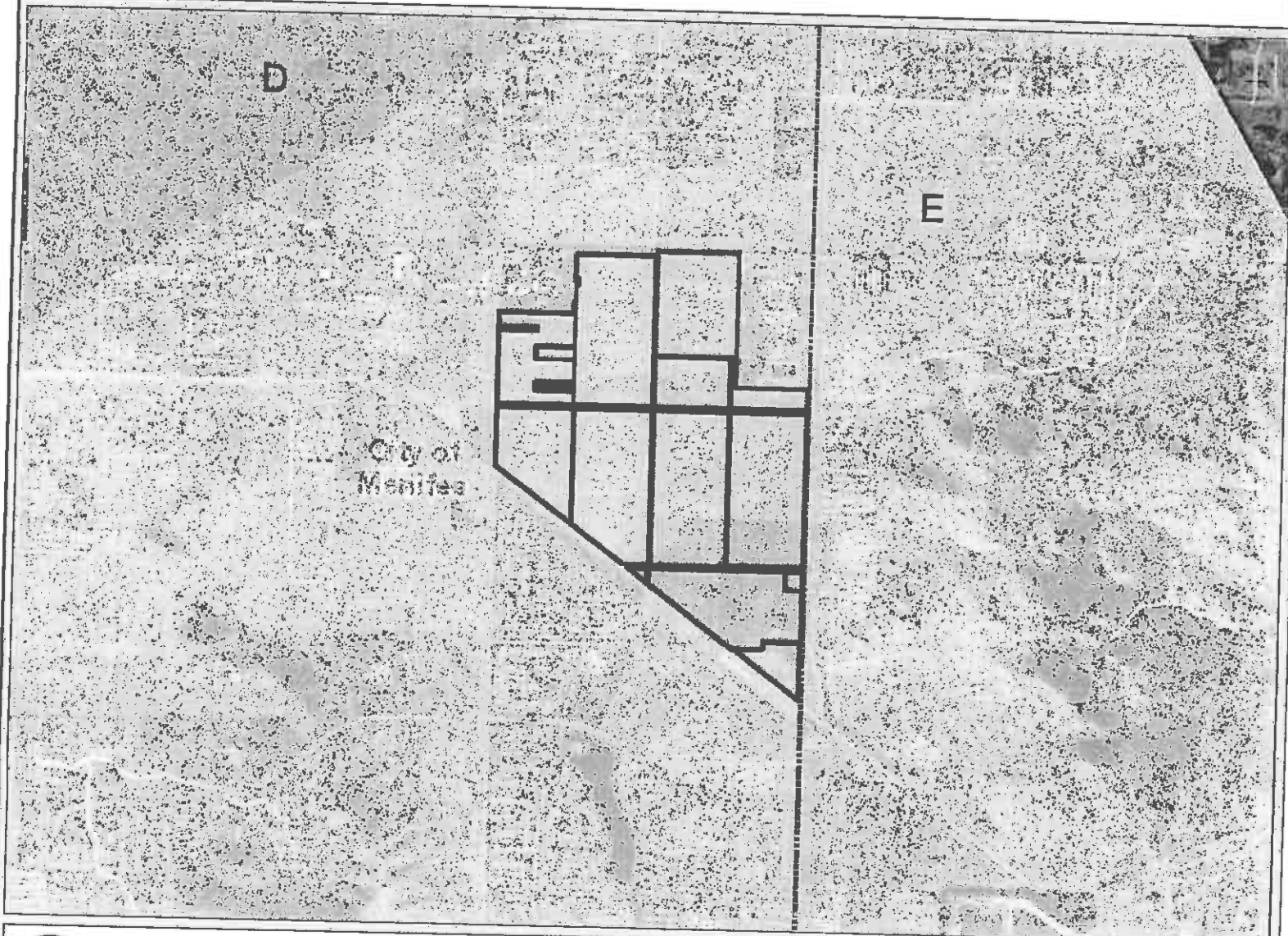


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### Notes

# Map My County Map



- Legend**
- Runways
  - Airports
  - Airport Influence Areas
  - Airport Compatibility Zones
  - ▨ OTHER COMPATIBILITY ZONE
  - A
  - A-EXC1
  - B1
  - B1-APZ I
  - B1-APZ I-EXC1
  - B1-APZ II
  - B1-APZ II-EXC1
  - B1-EXC1
  - B2
  - B2-EXC1
  - C
  - C1
  - C1-EXC1
  - C1-EXC3
  - C1-EXC4
  - C1-HIGHT
  - C2
  - C2-EXC1
  - C2-EXC2
  - C2-EXC3
  - C2-EXC5
  - C2-EXC6



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**Notes**



# Map My County Map



## Legend

- City Areas
- World Street Map



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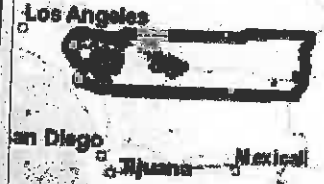


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## Notes

# Map My County Map



## Legend

-  City Areas
-  World Street Map



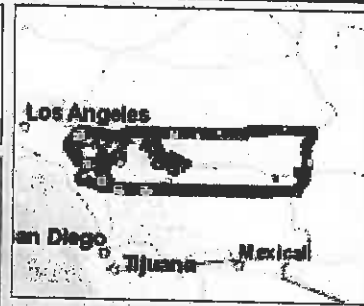
**"IMPORTANT"** Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

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## Notes

# Map My County Map



## Legend

- Blueline Streams
- ▣ City Areas
- World Street Map



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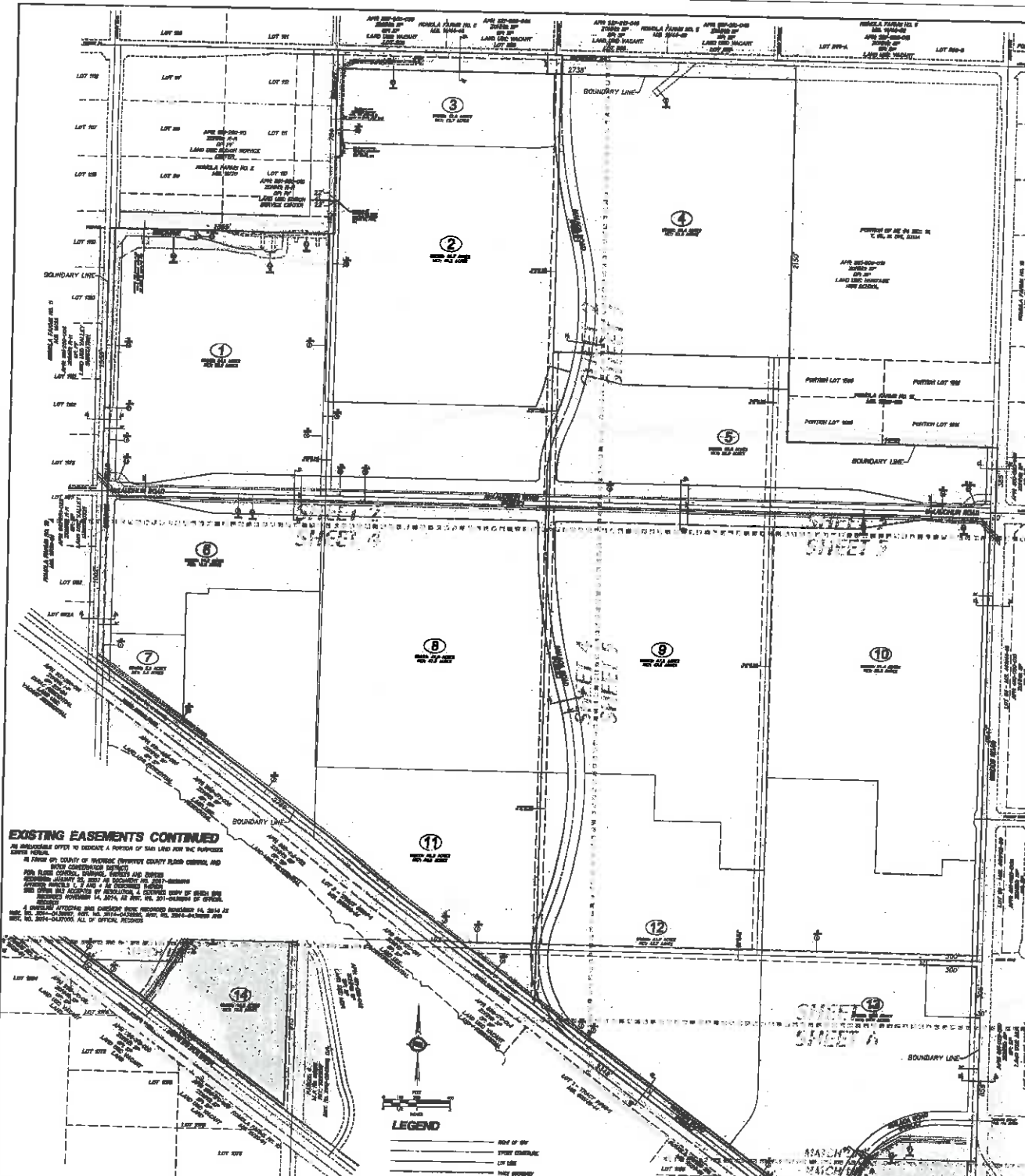
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## Notes





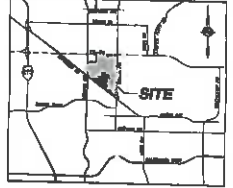
**LEGAL DESCRIPTION**

SOME PORTION OF SECTION 13 AND 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, COUNTY OF MENCIPE, STATE OF CALIFORNIA.

**EXISTING EASEMENTS**

- 1. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 2. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 3. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 4. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 5. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 6. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 7. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 8. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 9. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 10. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 11. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 12. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 13. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.
- 14. AN EASEMENT FOR THE PURPOSES OF WATER AND SEWERAGE, HERETO AS SET FORTH IN A DECLARATION OF COMMUNITY DEVELOPMENT COMPANY, INCORPORATED, JANUARY 10, 1994 AS RECORDED IN OFFICIAL RECORDS, VOLUME 14, PAGE 14 OF 14 NOT RECORDED.

**VICINITY MAP**



**NOTES**

- 1. CONVEYANCE OF THE
- 2. CONVEYANCE OF THE
- 3. CONVEYANCE OF THE
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**UTILITIES**

SEWER	SEWERAGE COUNTY
WATER	WATER SUPPLY
ELECTRIC	ELECTRIC COMPANY
TELEPHONE	TELEPHONE COMPANY
POSTAL	POSTAL SERVICE
ROAD	ROAD DEPARTMENT
SCHOOL	SCHOOL DISTRICT

**PAGE INDEX**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

**STATEMENT OF OWNERSHIP**

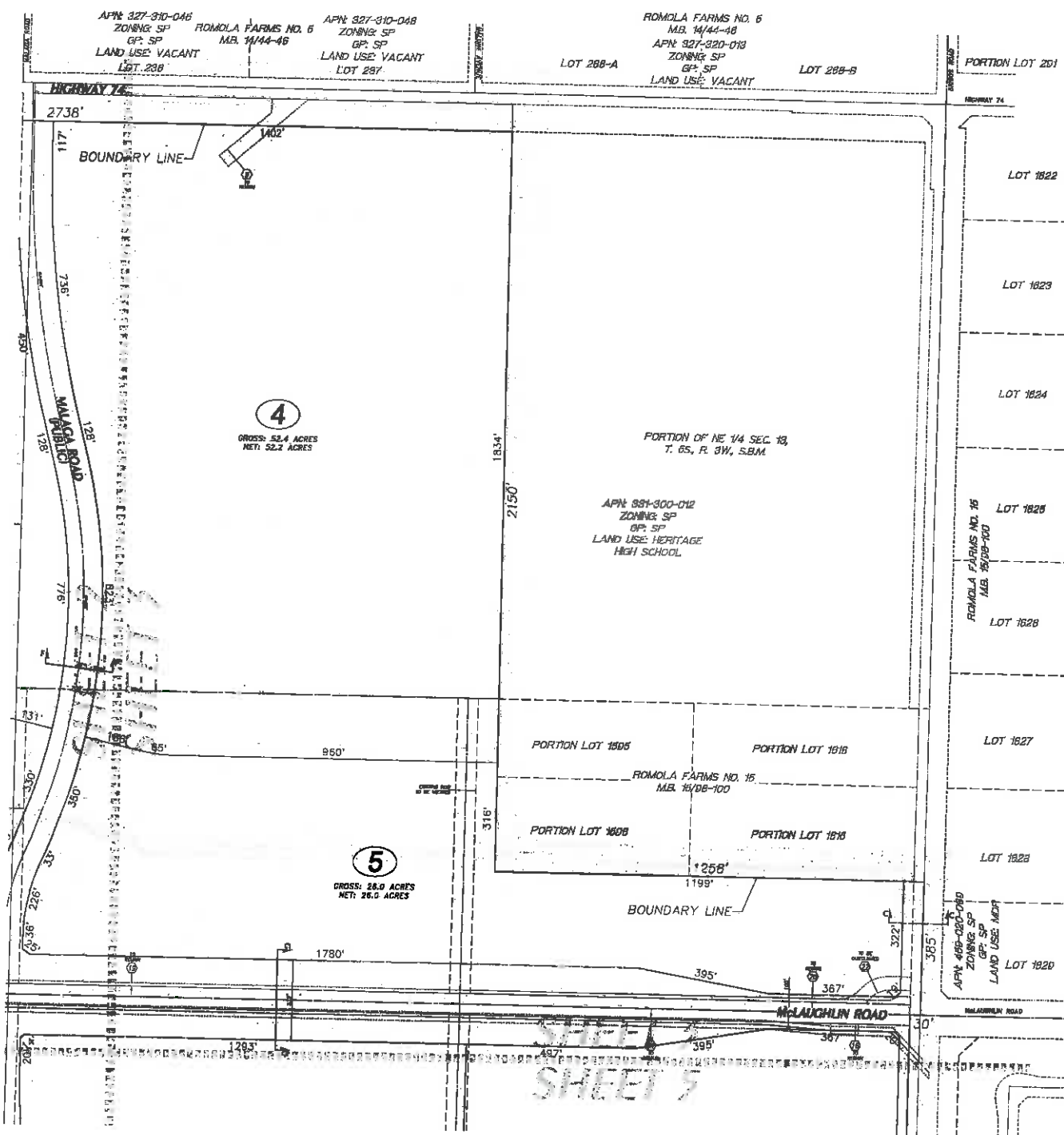
I, THE UNDERSIGNED, STATE THAT THE MAP AND PRELIMINARY UNDERLYING INSTRUMENTS AND THIS MAP WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY ACCURATELY REPRESENT THE FACTS OF THE MATTER.

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 BOSTON, MASSACHUSETTS 02116  
 Tel: (617) 261-1111

**TENTATIVE TRACT MAP NO. 37573 FOR LAND CONVEYANCE & FINANCING PURPOSES**





STAGE 1  
SHEET 7

- LEGEND**
- BOUNDARY LINE
  - EASEMENT
  - EASEMENT
  - EASEMENT
  - EASEMENT



PREPARED FOR/OWNER:  
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Tel: (303) 751-1100

**TENTATIVE TRACT  
MAP NO. 37573**  
FOR LAND CONVEYANCE & FINANCING  
PURPOSES



SHEET 2  
SHEET 4

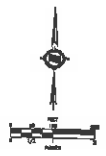
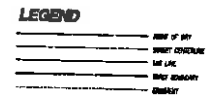
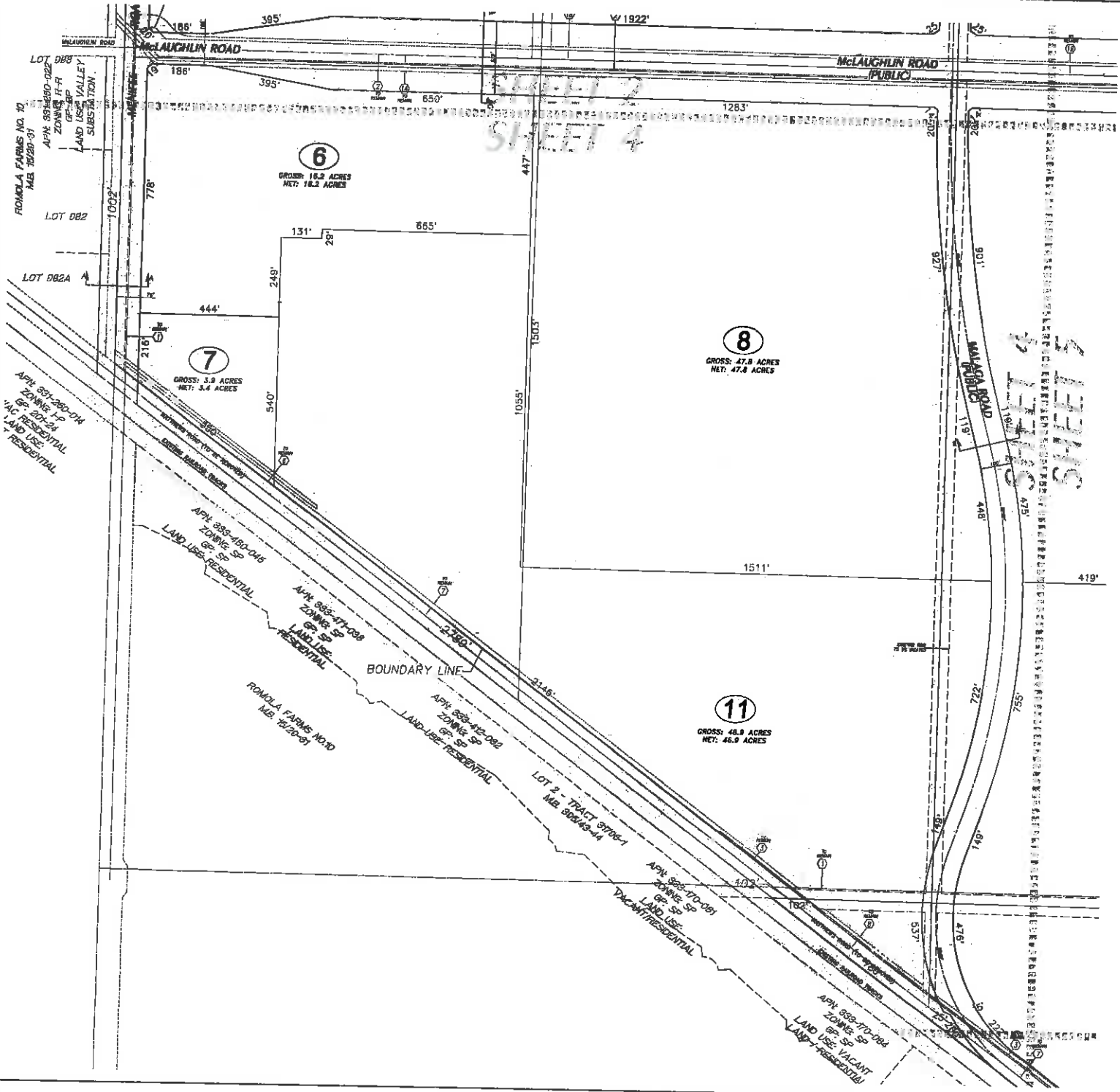
SHEET 3  
SHEET 5

6  
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NET: 16.2 ACRES

7  
GROSS: 3.9 ACRES  
NET: 3.4 ACRES

8  
GROSS: 47.8 ACRES  
NET: 47.8 ACRES

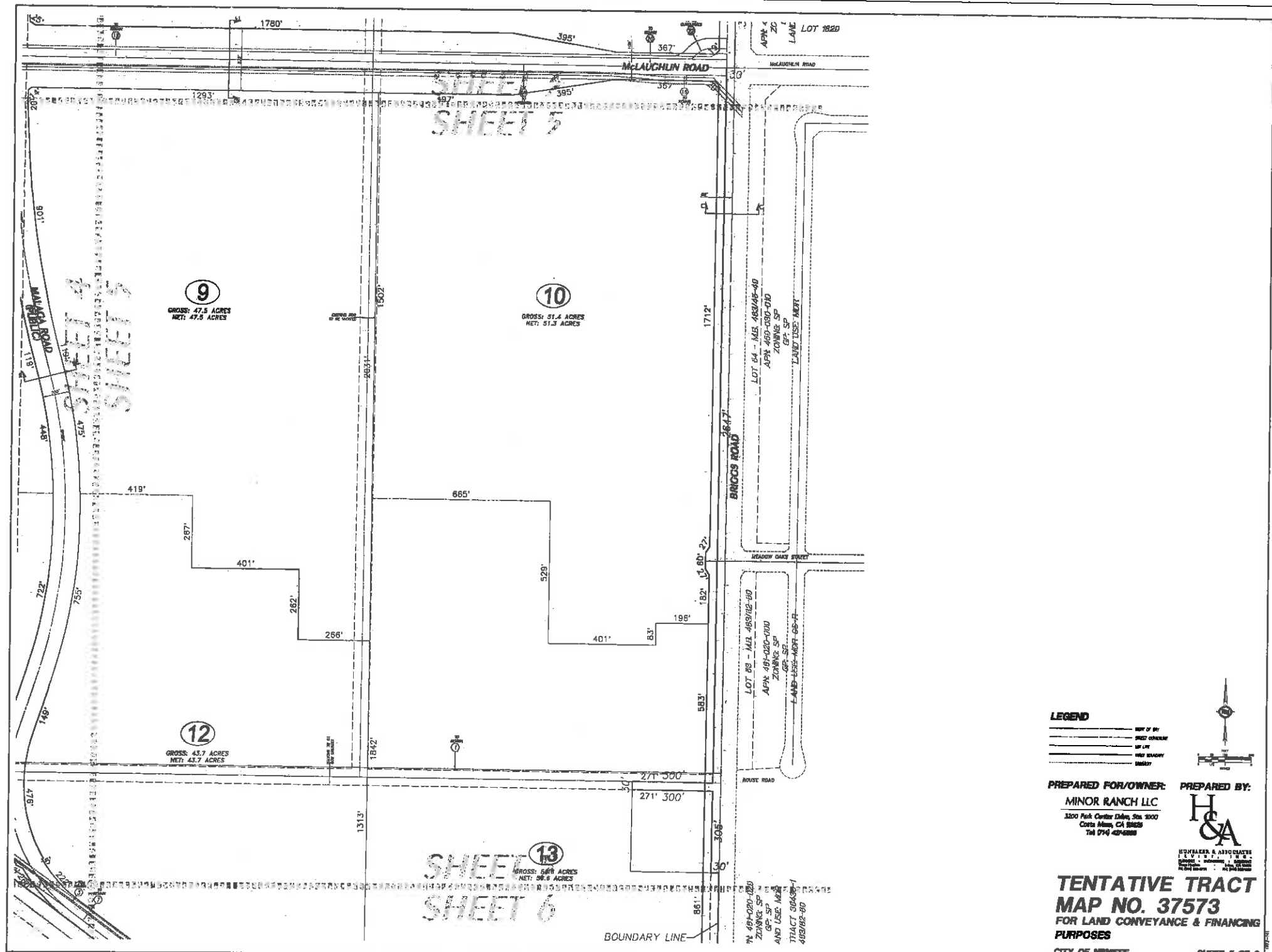
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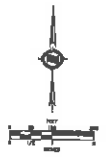
PREPARED FOR/OWNER: **MINOR RANCH LLC**  
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**TENTATIVE TRACT  
 MAP NO. 37573**  
 FOR LAND CONVEYANCE & FINANCING  
 PURPOSES  
 CITY OF MENIFEE



- LEGEND**
- NEW OF BY
  - EXIST. CONCRETE
  - EXIST. ASP
  - EXIST. GRAVEL
  - EXIST. DIRT



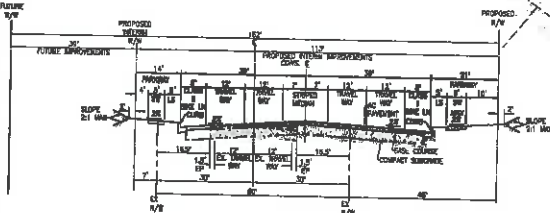
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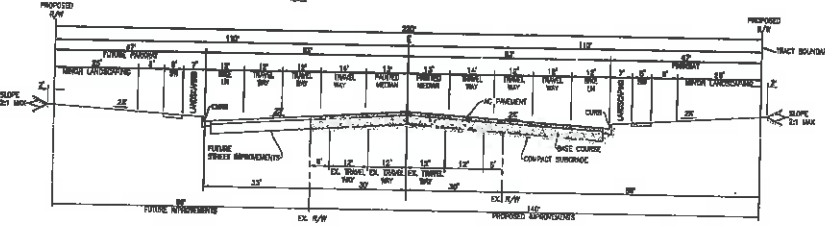
**TENTATIVE TRACT  
 MAP NO. 37573  
 FOR LAND CONVEYANCE & FINANCING  
 PURPOSES**

PRINTED BY: DATE: 11/11/11

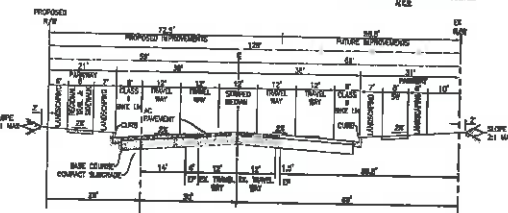
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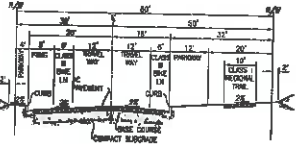
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R.C.S.



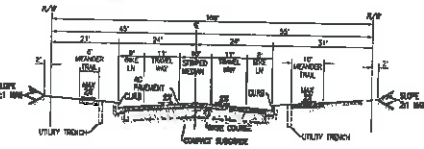
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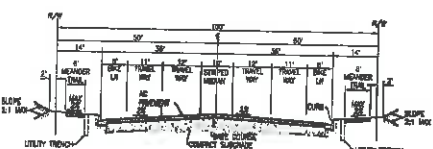
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R.C.S.



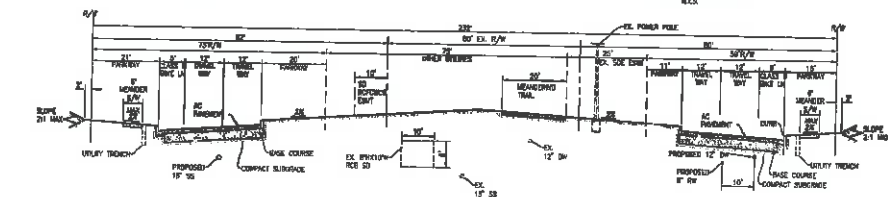
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COLLECTOR**  
MAYOR STREET, N.E. 112 IMPROV.  
R.C.S.



**SECTION E-E  
COLLECTION**  
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R.C.S.

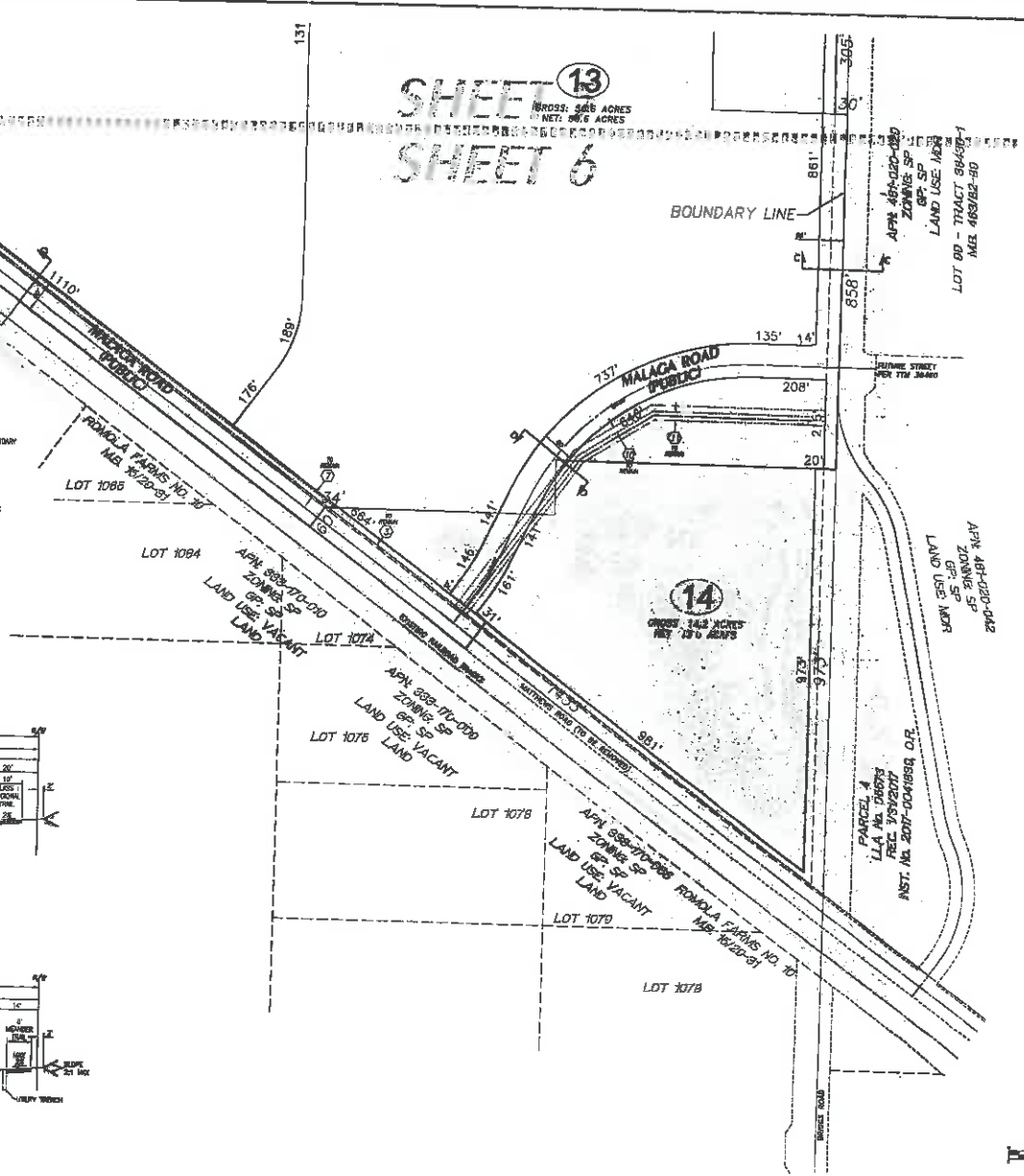


**SECTION F-F  
COLLECTOR - 4 LANES**  
MAYOR STREET, N.E. 112 IMPROV.  
R.C.S.



**SECTION G-G  
COLLECTOR**  
MAYOR STREET, N.E. 112 IMPROV.  
R.C.S.

**SHEET 13**  
**SHEET 6**



**LEGEND**

- PROPOSED
- EXISTING
- UNLAWFUL
- UNDEVELOPED
- BOUNDARY

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**TENTATIVE TRACT  
MAP NO. 37573**  
FOR LAND CONVEYANCE & FINANCING  
PURPOSES



1 CC. Interior side yards may be reduced to accommodate zero lot line  
2 situations, except that, in no case shall the reduction in the side yard areas reduce the  
3 separation between structures to less than ten feet (10').

4 (3) Except as provided above, all other zoning requirements shall be the same  
5 as those requirements identified in Article VI, respectively of Ordinance No. 348.

6 ~~b. Planning Areas 2 and 6~~

7 ~~(1) The uses permitted in Planning Areas 2 and 6 of Specific Plan No. 301 shall be the~~  
8 ~~same as those uses permitted in Article VI, Section 6.1 of Ordinance No. 348, except that the uses~~  
9 ~~permitted pursuant to Section 6.1.a.(3), b.(1), (3) and (4), and e.(1) shall not be permitted.~~

10 ~~(2) The development standards for Planning Areas 2 and 6 of Specific Plan No. 301 shall~~  
11 ~~be the same as those standards identified in Article VI, Section 6.2 of Ordinance No. 348, except that~~  
12 ~~the development standards set forth in Article VI, Section 6.2.b., c., d., and e.(2), and (4) shall be~~  
13 ~~deleted and replaced by the following:~~

14 ~~A. Lot area shall be not less than six thousand (6,000) square feet. The~~  
15 ~~minimum lot area shall be determined by excluding that portion of a lot that is used solely~~  
16 ~~for access to the portion of a lot used as a building site.~~

17 ~~B. The minimum average width of that portion of the lot to be used as~~  
18 ~~a building site shall be fifty feet (50') with a minimum average depth of ninety feet (90').~~  
19 ~~"Flag" lots shall not be permitted.~~

20 ~~C. The minimum frontage of a lot shall be fifty feet (50'), except that lots~~  
21 ~~fronting on knuckles or cul-de-sacs may have a minimum frontage of thirty five feet (35'). Lot~~  
22 ~~frontage along curvilinear streets may be measured at the building setback in accordance with~~  
23 ~~zone development standards.~~

24 ~~D. Side yards on interior and through lots shall be not less than five feet (5') in~~  
25 ~~width. Side yards on corner and reversed corner lots shall be not less than ten feet (10')~~  
26 ~~from the existing street line or from any future street line, whichever is nearer the proposed~~  
27 ~~structure, upon which the main building sides, except that where the lot is less than fifty feet~~  
28 ~~(50') wide, the yard need not exceed twenty percent (20%) of the width of the lot.~~



1 E. Chimneys and fireplaces shall be allowed to encroach into side yards a  
2 maximum of two feet (2'). No other structural encroachments shall be permitted in the front,  
3 side or rear yard except as provided for in Section 18.19 of Ordinance No. 348.

4 In addition, the following development standards shall also apply:

5 AA. In no case shall more than fifty percent (50%) of any lot be covered by  
6 buildings or structures that are single story and forty five percent (45%) for those that  
7 are two story.

8 BB. Lots shall have a minimum net usable pad area of not less than  
9 ninety seven percent (97%) of the minimum lot area of the zone.

10 CC. Interior side yards may be reduced to accommodate zero lot line  
11 situations, except that, in no case shall the reduction in the side yard areas reduce  
12 the separation between structures to less than ten feet (10').

13 (3) Except as provided above, all other zoning requirements shall be the same as those  
14 requirements identified in Article VI of Ordinance No. 348.

15 e. Planning Area 3

16 (1) The uses permitted in Planning Area 3 of Specific Plan No. 301 shall be the same as  
17 those uses permitted in Article VIII, Section 8.1 of Ordinance No. 348, except that the uses permitted  
18 pursuant to Section 8.1.a.(3), (25) b.(1), (3) and (4), and e. shall not be permitted.

19 (2) The development standards for Planning Area 3 of Specific Plan No. 301 shall be the  
20 same as those standards identified in Article VIII, Section 8.2 of Ordinance No. 348, except that the  
21 development standards set forth in Article VII, Section 8.2.a., c., and d. shall be deleted and replaced  
22 by the following:

23 A. The minimum lot area shall be five thousand (5,000) square feet with a  
24 minimum average width of forty five feet (45') and a minimum average depth of ninety feet  
25 (90').

26 B. Side yards on interior and through lots shall be not less than five feet (5') in  
27 width. Side yards on corner and reversed corner lots shall be not less than ten feet (10')  
28 from the existing street line or from any future street line, whichever is nearer the

1 ~~proposed structure, upon which the main building sides, except that where the lot is less than~~  
2 ~~forty five feet (45') wide, the yard need not exceed twenty percent (20%) of the width of the~~  
3 ~~lot. No other structural encroachments shall be permitted in the front, side or rear yard except~~  
4 ~~as provided for in Section 18.19 of Ordinance No. 348.~~

5 ~~C. All buildings and structures shall not exceed two (2) stories or thirty five feet~~  
6 ~~(35') in height.~~

7 ~~In addition, the following development standard shall also apply:~~

8 ~~AA. Lots shall have a minimum net usable pad area of not less than ninety~~  
9 ~~seven percent (97%) of the minimum lot size.~~

10 ~~BB. The minimum frontage of a lot shall be forty five feet (45'), except that~~  
11 ~~lots fronting on knuckles or cul de sacs may have a minimum frontage of thirty five feet (35').~~  
12 ~~Lot frontage along curvilinear streets may be measure at the building setback in accordance~~  
13 ~~with zone development standards.~~

14 ~~(3) Except as provided above, all other zoning requirements shall be the same as those~~  
15 ~~requirements identified in Article VIII of Ordinance No. 348.~~

16 bd. Planning Areas 4A, 4B, 10, 13, 22C, 27A, 27C, 27D, 27E, 27F, 38, 39A, 39B, 42A, 42B, 42C,  
17 and 42E.

18 (1) The uses permitted in Planning Areas 4A, 4B, 10, 13, 22C, 27A, 27C, 27D, 27E,  
19 27F, 38, 39A, 39B, 42A, 42B, 42C, and 42E of Specific Plan No. 301 shall be the same as those uses  
20 permitted in Article VIIIe, Section 8.100 of Ordinance No. 348.3928, except that the uses permitted  
21 pursuant to Section 8.100.a.(1), (2), (6) and (8), b.(1) and c.(1). shall not be permitted. In addition, the  
22 permitted uses identified under Section 8.100.a. shall also include detention areas, greenbelts, lake,  
23 open space, and public parks.

24 (2) The development standards for Planning Areas 4A, 4B, 10, 13, 22C, 27A, 27C,  
25 27D, 27E, 27F, 38, 39A, 39B, 42A, 42B, 42C, and 42E of Specific Plan No. 301 shall be the same as  
26 those standards identified in Article VIIIe, Section 8.101 of Ordinance No. 348.

27 (3) Except as provided above, all other zoning requirements shall be same as those  
28 requirements identified in Article VIIIe of Ordinance No. 348.

1           ce.    Planning Areas 5A, 5B, 9, 22B, 26, and 37.

2           (1)    The uses permitted in Planning Areas 5A, 5B, 9, 22B, 26, and 37 of Specific Plan No.  
3    301 shall be the same as those uses permitted in Article VIIIe, Section 8.100 of Ordinance No. 348,  
4    except that the uses permitted pursuant to Section 8.100.a.(1), (2), (6) and (8), b.(1) and c.(1) shall not  
5    be permitted. In addition, the permitted uses identified under Section 8.100.a. shall also include public  
6    parks and trails.

7           (2)    The development standards for Planning Areas 5A, 5B, 9, 22B, 26, and 37 of Specific  
8    Plan No. 301 shall be the same as those standards identified in Article VIIIe, Section 8.101 of  
9    Ordinance No. 348.

10          (3)    Except as provided above, all other zoning requirements shall be the same as those  
11    requirements identified in Article VIIIe of Ordinance No. 348.

12          df.    Planning Area 11.

13          (1)    The uses permitted in Planning Area 11 of Specific Plan No. 301 shall be the same  
14    as those uses permitted in Article VIIIe, Section 8.100 of Ordinance No. 348 except that uses  
15    permitted pursuant to Section 8.100.a. (1), (4), (6) and (8), b.(1) and c.(1) shall not be permitted. In  
16    addition, the permitted uses identified under Section 8.100.a. shall also include open space.

17          (2)    The development standards for Planning Area 11 of Specific Plan No. 301 shall be  
18    the same as those standards identified in Article VIIIe, Section 8.101 of Ordinance No. 348.

19          (3)    Except as provided above, all other zoning requirements shall be the same as those  
20    requirements identified in Article VIIIe of Ordinance No. 348.

21          g.     Planning Area 12A

22          ~~(1)    The uses permitted in Planning Area 12A of Specific Plan No. 301 shall be the same~~  
23    ~~as those uses permitted in Article VI, Section 6.1 of Ordinance No. 348, except that the uses permitted~~  
24    ~~pursuant to Section 6.1.a.(3) and (7), b.(1), (3) and (4), and c.(1) shall not be permitted.~~

25          ~~(2)    The development standards for Planning Area 12A of Specific Plan No. 301 shall be~~  
26    ~~the same as those standards identified in Article VI, Section 6.2 of Ordinance No. 348, except that the~~  
27    ~~development standards set forth in Article VI, Section 6.2.b., c., d., and e.(2), and (4) shall be deleted~~  
28    ~~and replaced by the following:~~

1 A. Lot area shall be not less than five thousand (5,000) square feet. The  
2 minimum lot area shall be determined by excluding that portion of a lot that is used solely  
3 for access to the portion of a lot used as a building site.

4 B. The minimum average width of that portion of the lot to be used as a  
5 building site shall be forty five feet (45') with a minimum average depth of ninety feet (90').  
6 "Flag" lots shall not be permitted.

7 C. The minimum frontage of a lot shall be forty five feet (45'), except that lots  
8 fronting on knuckles or cul-de-sacs may have a minimum frontage of thirty five feet (35'). Lot  
9 frontage along curvilinear streets may be measured at the building setback in accordance with  
10 zone development standards.

11 D. Side yards on interior and through lots shall be not less than five feet (5') in  
12 width. Side yards on corner and reversed corner lots shall be not less than ten feet (10')  
13 from the existing street line or from any future street line, whichever is nearer the proposed  
14 structure, upon which the main building sides, except that where the lot is less than forty five  
15 feet (45') wide, the yard need not exceed twenty percent (20%) of the width of the lot.

16 Chimneys and fireplaces shall be allowed to encroach into side yards a maximum of  
17 two feet (2'). No other structural encroachments shall be permitted in the front, side or rear  
18 yard except as provided for in Section 18.19 of Ordinance No. 348.

19 In addition, the following development standard shall also apply:

20 AA. In no case shall more than fifty percent (50%) of any lot be covered  
21 by buildings or structures that are single story and forty five percent (45%) for  
22 two story.

23 BB. Lots shall have a minimum net usable pad area of not less than  
24 ninety seven percent (97%) of the minimum lot area size.

25 (3) Except as provided above, all other zoning requirements shall be the same as those  
26 requirements identified in Article VI of Ordinance No. 348.

27 h. Planning Area 12B

28 (1) The uses permitted in Planning Area 12B of Specific Plan No. 301 shall be the same

1 as those uses permitted in Article VIII, Section 8.1 of Ordinance No. 348, except that the uses  
2 permitted pursuant to Section 8.1.a.(3), b.(1), (3) and (4), and e. shall not be permitted.

3 (2) The development standards for Planning Area 12B of Specific Plan No. 301 shall be  
4 the same as those standards identified in Article VIII, Section 8.2 of Ordinance No. 348, except that  
5 the development standards set forth in Article VII, Section 8.2.a., e., and d. shall be deleted and  
6 replaced by the following:

7 A. The minimum lot area shall be five thousand (5,000) square feet.

8 B. Side yards on interior and through lots shall be not less than five feet (5') in  
9 width. Side yards on corner and reversed corner lots shall be not less than ten feet (10')  
10 from the existing street line or from any future street line, whichever is nearer the proposed  
11 structure, upon which the main building sides, except that where the lot is less than forty five  
12 feet (45') wide, the yard need not exceed twenty percent (20%) of the width of the lot.

13 Chimneys and fireplaces shall be allowed to encroach into side yards a maximum of  
14 two feet (2'). No other structural encroachments shall be permitted in the front, side or rear  
15 yard except as provided for in Section 18.19 of Ordinance No. 348.

16 In addition, the following development standard shall also apply:

17 AA. Lots shall have a minimum net usable pad area of not less than  
18 ninety seven percent (97%) of the minimum lot size.

19 BB. The minimum frontage of a lot shall be forty five feet (45'), except that  
20 the fronting on knuckles or cul-de-sacs may have a minimum frontage of thirty five  
21 feet (35') measured along the right of way line. Lot frontage along curvilinear streets  
22 may be measured at the building setback in accordance with zone development  
23 standards.

24 (3) Except as provided above, all other zoning requirements shall be the same as those  
25 requirements identified in Article VIII of Ordinance No. 348.

26 ei. Planning Areas 14, 17, 22A, 23, 24, 31, 32, 33, 35 and 36

27 (1) The uses permitted in Planning Areas 14, 17, 22A, 23, 24, 31, 32, 33, 35 and 36 of  
28 Specific Plan No. 301 shall be the same as those uses permitted in Article VI, Section 6.1 of



1 Ordinance No. 348., except that the uses permitted pursuant to Section 6.1.a.(3), b.(1), (3) and (4), and  
2 c.(1) shall not be permitted.

3 (2) The development standards for Planning Areas 14, 17, 22A, 23, 24, 31, 32, 33, 35 and  
4 36 of Specific Plan No. 301 shall be the same as those standards identified in Article VI, Section 6.2 of  
5 Ordinance No. 348., except that the development standards set forth in Article VI, Section 6.2.c.,  
6 6.2.e.(1) and (4) shall be deleted and replaced by the following:

7 A. The minimum average width of that portion of a lot to be used as a  
8 building site shall be sixty feet (60') with a minimum average depth of one hundred feet  
9 (100'). "Flag" lots shall not be permitted.

10 B. The front yard for living areas and porches shall not be less than fifteen feet  
11 (15') from the existing street line or from any future street line, whichever is nearer the  
12 proposed structure. The face of the garage shall be setback twenty feet (20'). In a side-entry  
13 garage condition, the front yard shall not be less than fifteen feet (15'). For corner lots, the  
14 front yard setback shall only apply from the front of the building to the lot frontage. The  
15 distance from the street-side corner of the building to the lot corner cutback shall be considered  
16 a portion of the side yard and adhere to side yard setback requirements.

17 C. Chimneys, fireplaces, media niches, and air conditioning units shall be allowed  
18 to encroach into side and rear yards a maximum of two feet (2'). No other structural  
19 encroachments shall be permitted in the front, side or rear yard except as provided for in  
20 Section 18.19 of Ordinance No. 348.

21 In addition, the following development standards shall also apply:

22 AA. In no case shall more than fifty percent (50%) of any single-story and  
23 forty-five percent of any two-story lot be covered by buildings or structures.

24 BB. Lots shall have a minimum usable pad area of not less than seven  
25 thousand (7,000) square feet.

26 CC. Interior side yards may be reduced to accommodate zero lot line  
27 situations, except that, in no case shall the reduction in the side yard areas reduce the  
28 separation between structures to less than ten feet (10').

1 (3) Except as provided above, all other zoning requirements shall be the same  
2 as those requirements identified in Article VI, respectively of Ordinance No. 348.

3 ff. Planning Areas 15, 20, 25, and 29

4 (1) The uses permitted in Planning Areas 15, 20, 25, and 29 of Specific Plan No. 301 shall  
5 be the same as those uses permitted in Article VI, Section 6.1 of Ordinance No. 348, except that the  
6 uses permitted pursuant to Section 6.1.a.(3) and (7), b.(1), (3) and (4), and c.(1) shall not be permitted.

7 (2) The development standards for Planning Areas 15, 20, 25, and 29 of Specific Plan No.  
8 301 shall be the same as those standards identified in Article VI, Section 6.2 of Ordinance No. 348,  
9 except that the development standards set forth in Article VI, Section 6.2.b., c.,d., and e.(1), (2), and  
10 (4) shall be deleted and replaced by the following:

11 A. Lot area shall be not less than five thousand (5,000) square feet. The  
12 minimum lot area shall be determined by excluding that portion of a lot that is used solely  
13 for access to the portion of a lot used as a building site.

14 B. The minimum average width of that portion of the lot to be used as a  
15 building site shall be fifty feet (50') with a minimum average depth of ninety feet (90').  
16 "Flag" lots shall not be permitted.

17 C. The minimum frontage of a lot shall be fifty feet (50'), except that lots  
18 fronting on knuckles or cul-de-sacs may have a minimum frontage of thirty-five feet (35'). Lot  
19 frontage along curvilinear streets may be measured at the building setback in accordance with  
20 zone development standards.

21 D. The front yard for living areas and porches shall not be less than fifteen feet (15')  
22 from the existing street line or from any future street line, whichever is nearer the proposed  
23 structure. The face of the garage shall be setback twenty feet (20'). In a side-entry garage  
24 condition, the front yard shall not be less than fifteen feet (15'). For corner lots, the front yard  
25 setback shall only apply from the front of the building to the lot frontage. The distance from  
26 the street-side corner of the building to the lot corner cutback shall be considered a portion of  
27 the side yard and adhere to side yard setback requirements.

28 E. Side yards on interior and through lots shall be not less than five feet (5') in

1 width. Side yards on corner and reversed corner lots shall be not less than ten feet (10')  
2 from the existing street line or from any future street line, whichever is nearer the proposed  
3 structure, upon which the main building sides, except that where the lot is less than fifty feet  
4 (50') wide, the yard need not exceed twenty percent (20%) of the width of the lot.

5 F. Chimneys, fireplaces, media niches, and air conditioner units shall be allowed  
6 to encroach into side and rear yards a maximum of two feet (2'). No other structural  
7 encroachments shall be permitted in the front, side or rear yard except as provided for in  
8 Section 18.19 of Ordinance No. 348.

9 In addition, the following development standard shall also apply:

10 AA. In no case shall more than fifty percent (50%) of any lot be covered  
11 by buildings or structures that are single-story and forty-five percent (45%) for those  
12 that are two-story.

13 BB. Lots shall have a minimum net usable pad area of not less than  
14 ninety-seven percent (97%) of the minimum lot area.

15 CC. Building separation between adjacent dwelling units shall not be less  
16 than eight feet (8') provided that there is no less than a ten-foot (10') building  
17 separation between the garages and any adjacent structure or dwelling. Building  
18 separation shall mean the distance between the structural portions of adjoining  
19 dwellings as measured from that point where the dwellings are nearest; provided,  
20 however, that a yard encroachment permitted under Section 18.19 of Ordinance No.  
21 348 shall not be considered a structural portion for the determination of building  
22 separation.

23 DD. Interior side yards may be reduced to accommodate zero lot line  
24 situations, except that, in no case shall the reduction in side yard areas reduce the  
25 required separation between detached structures to less than ten feet (10').

26 (3) Except as provided above, all other zoning requirements shall be the same as those  
27 requirements identified in Article VI of Ordinance No. 348.  
28

gk. Planning Areas 16, 18, 19, 30, 34A, & 34B

(1) The uses permitted in Planning Areas 16, 18, 19, 30, 34A, and 34B of Specific Plan No. 301 shall be the same as those uses permitted in Article VI, Section 6.1 of Ordinance No. 348, except that the uses permitted pursuant to Section 6.1.a.(3), b.(1), (3) and (4), and c.(1) shall not be permitted.

(2) The development standards for Planning Areas 16, 18, 19, 30, 34A, and 34B of Specific Plan No. 301 shall be the same as those standards identified in Article VI, Section 6.2 of Ordinance No. 348, except that the development standards set forth in Article VI, Section 6.2.b.,c.,d., and e.(2), and (4) shall be deleted and replaced by the following:

A. Lot area shall be not less than six thousand (6,000) square feet. The minimum lot area shall be determined by excluding that portion of a lot that is used solely for access to the portion of a lot used as a building site.

B. The minimum average width of that portion of the lot to be used as a building site shall be fifty feet (50') with a minimum average depth of ninety feet (90'). "Flag" lots shall not be permitted.

C. The minimum frontage of a lot shall be fifty feet (50'), except that lots fronting on knuckles or cul-de-sacs may have a minimum frontage of thirty-five feet (35'). Lot frontage along curvilinear streets may be measured at the building setback in accordance with zone development standards.

D. The front yard for living areas and porches shall not be less than fifteen feet (15') from the existing street line or from any future street line, whichever is nearer the proposed structure. The face of the garage shall be setback twenty feet (20'). In a side-entry garage condition, the front yard shall not be less than fifteen feet (15'). For corner lots, the front yard setback shall only apply from the front of the building to the lot frontage. The distance from the street-side corner of the building to the lot corner cutback shall be considered a portion of the side yard and adhere to side yard setback requirements.

E. Side yards on interior and through lots shall not be less than five feet (5') in width. Side yards on corner and reversed corner lots shall not be less than ten feet

1 (10') from the existing street line or from any future street line, whichever is nearer the  
2 proposed structure, upon which the main building sides, except that where the lot is less than  
3 fifty feet (50') wide, the yard need not exceed twenty percent (20%) of the width of the lot.

4 F. Chimneys, fireplaces, media niches, and air conditioning units shall be allowed  
5 to encroach into side and rear yards a maximum of two feet (2'). No other structural  
6 encroachments shall be permitted in the front, side or rear yard except as provided for in  
7 Section 18.19 of Ordinance No. 348.

8 In addition, the following development standards shall also apply:

9 AA. In no case shall more than fifty percent (50%) of any single-story  
10 and forty-five percent (45%) of any two-story lot be covered by buildings or structures.

11 BB. Lots shall have a minimum net usable pad area of not less than  
12 ninety-seven percent (97%) of the minimum lot size.

13 CC. Interior side yards may be reduced to accommodate zero lot line  
14 situations, except that, in no case shall the reduction in the side yard areas reduce  
15 the separation between structures to less than ten feet (10').

16 (3) Except as provided above, all other zoning requirements shall be the same as those  
17 requirements identified in Article VI of Ordinance No. 348.

18 h. Planning Areas 21 and 27 B

19 (1) The uses permitted in Planning Areas 21 and 27B of Specific Plan No. 301 shall be  
20 the same as those uses permitted in Article VIIIe, Section 8.101 of Ordinance No. 348, except that the  
21 uses permitted pursuant to Section 8.100.a.(1), (6) and (8), b.(1) and c.(1) shall not be permitted. In  
22 addition, the permitted uses identified under Section 8.100.a. shall also include public parks.

23 (2) The development standards for Planning Areas 21 and 27B of Specific Plan No. 301  
24 shall be the same as those standards identified in Article VIIIe, Section 8.101 of Ordinance No. 348.

25 (3) Except as provided above, all other zoning requirements shall be the same as those  
26 requirements identified in Article VIIIe of Ordinance No. 348.

27 m. Planning Area 28

28 (1) The uses permitted in Planning Area 28 of Specific Plan No. 301 shall be the same

1 as those uses permitted in Article VI, Section 6.1. of Ordinance No. 348, except that the uses  
2 permitted pursuant to Section 6.1.a.(3), b.(1), (3) and (4), and c.(1) shall not be permitted.

3 (2) The development standards for Planning Area 28 of Specific Plan No. 301 shall be  
4 the same as those standards identified in Article VI, Section 6.2 of Ordinance No. 348, except that  
5 the development standards set forth in Article VI, Section 6.2.b.,c. e.(1) and (4) shall be deleted and  
6 replaced by the following:

7 A. Lot area shall be not less than eight thousand (8,000) square feet. The  
8 minimum lot area shall be determined by excluding that portion of a lot that is used solely  
9 for access to the portion of a lot used as a building site.

10 B. The minimum average width of that portion of a lot to be used as a building  
11 site shall be sixty-five feet (65') with a minimum average depth of one hundred feet  
12 (100'). "Flag" lots shall not be permitted.

13 C. The front yard for living areas and porches shall not be less than fifteen feet  
14 (15') from the existing street line or from any future street line, whichever is nearer the  
15 proposed structure. The face of the garage shall be setback twenty feet (20'). In a side entry  
16 garage condition, the front yard shall not be less than fifteen feet (15'). For corner lots, the  
17 front yard setback shall only apply from the front of the building to the lot frontage. The  
18 distance from the street-side corner of the building to the lot corner cutback shall be considered  
19 a portion of the side yard and adhere to side yard setback requirements.

20 D. Chimneys, fireplaces, media niches, and air conditioning units shall be allowed  
21 to encroach into side and rear yards a maximum of two feet (2'). No other structural  
22 encroachments shall be permitted in the front, side or rear yard except as provided for in  
23 Section 18.19 of Ordinance No. 348.

24 In addition, the following development standards shall also apply:

25 AA. In no case shall more than fifty percent (50%) of any lot be covered by  
26 buildings or structures that are single-story and forty-five percent (45%) for those that  
27 are two-story.

28 BB. Lots shall have a minimum usable pad area of not less than seven



1 thousand (7,000) square feet.

2 CC. Interior side yards may be reduced to accommodate zero lot line  
3 situations, except that, in no case shall the reduction in the side yard areas reduce  
4 the separation between structures to less than ten feet (10').

5 (3) Except as provided above, all other zoning requirements shall be the same as those  
6 requirements identified in Article VI of Ordinance No. 348

7 iii. Planning Area 40

8 (1) The uses permitted in Planning Area 40 of Specific Plan No. 301 shall be the same  
9 as those uses permitted in Article VI, Section 6.1 of Ordinance No. 348, except that the uses  
10 permitted pursuant to Section 6.1.a.(3), b.(1), (3) and (4), and c.(1) shall not be permitted.

11 (2) The development standards for Planning Area 40 of Specific Plan No. 301 shall be  
12 the same as those standards identified in Article VI, Section 6.2 of Ordinance No. 348, except that  
13 the development standards set forth in Article VI, Section 6.2.b., c., e.(1), and (4) shall be deleted and  
14 replaced by the following:

15 A. Lot area shall be not less than nine thousand (9,000) square feet. The minimum  
16 lot area shall be determined by excluding that portion of a lot that is used solely for access to  
17 the portion of a lot used as a building site.

18 B. The minimum average width of that portion of a lot to be used as a building  
19 site shall be sixty-five feet (65') with a minimum average depth of one hundred feet (100').  
20 "Flag" lots shall not be permitted.

21 C. The front yard for living areas and porches shall not be less than fifteen feet  
22 (15') from the existing street line or from any future street line, whichever is nearer the  
23 proposed structure. The face of the garage shall be setback twenty feet (20'). In a side-entry  
24 garage condition, the front yard shall not be less than fifteen feet (15'). For corner lots, the  
25 front yard setback shall only apply from the front of the building to the lot frontage. The  
26 distance from the street-side corner of the building to the lot corner cutback shall be considered  
27 a portion of the side yard and adhere to side yard setback requirements.

28 D. Chimneys, fireplaces, media niches, and air conditioning units shall be

1 allowed to encroach into side and rear yards a maximum of two feet (2'). No other structural  
2 encroachments shall be permitted in the front, side or rear yard except as provided for in  
3 Section 18.19 of Ordinance No. 348.

4 In addition, the following development standards shall also apply:

5 AA. In no case shall more than fifty (50%) of any lot be covered by  
6 buildings or structures that are single-story and forty-five percent (45%) for those that  
7 are two-story.

8 BB. Lots shall have a minimum usable pad area of not less than seven  
9 thousand (7,000) square feet.

10 (3) Except as provided above, all other zoning requirements shall be the same as those  
11 requirements identified in Article VI of Ordinance No. 348.

12 jø. Planning Area 41A

13 (1) The uses permitted in Planning Area 41 of Specific Plan No. 301 shall be the same as  
14 those uses permitted in Article VI, Section 6.1 of Ordinance No. 348, except that the uses permitted  
15 pursuant to Section 6.1.a.(3) and (7), b.(1), (3) and (4), and c.(1) shall not be permitted.

16 (2) The development standards for Planning Area 41A of Specific Plan No. 301 shall be  
17 the same as those standards identified in Article VI, Section 6.2 of Ordinance No. 348, except that the  
18 development standards set forth in Article VI, Section 6.2.b., c.,d., and e.(1), (2), and (4) shall be  
19 deleted and replaced by the following:

20 A. Lot area shall be not less than four thousand five hundred (4,500) square feet.  
21 The minimum lot area shall be determined by excluding that portion of a lot that is used solely  
22 for access to the portion of a lot used as a building site.

23 B. The minimum average width of that portion of the lot to be used as a  
24 building site shall be fifty feet (50') with a minimum average depth of ninety feet (90').  
25 "Flag" lots shall not be permitted.

26 C. The minimum frontage of a lot shall be fifty feet (50'), except that lots  
27 fronting on knuckles or cul-de-sacs may have a minimum frontage of thirty-five feet (35'). Lot  
28 frontage along curvilinear streets may be measured at the building setback in accordance

1 with zone development standards.

2 D. The front yard for living areas and porches shall not be less than fifteen feet (15')  
3 from the existing street line or from any future street line, whichever is nearer the proposed  
4 structure. The face of the garage shall be setback twenty feet (20'). In a side-entry garage  
5 condition, the front yard shall not be less than fifteen feet (15'). For corner lots, the front yard  
6 setback shall only apply from the front of the building to the lot frontage. The distance from  
7 the street-side corner of the building to the lot corner cutback shall be considered a portion of  
8 the side yard and adhere to side yard setback requirements.

9 E. Side yards on interior and through lots shall be not less than five feet (5') in  
10 width. Side yards on corner and reversed corner lots shall be not less than ten feet (10')  
11 from the existing street line or from any future street line, whichever is nearer the proposed  
12 structure, upon which the main building sides, except that where the lot is less than fifty feet  
13 (50') wide, the yard need not exceed twenty percent (20%) of the width of the lot.

14 F. Chimneys, fireplaces, media niches, and air conditioner units shall be allowed  
15 to encroach into side and rear yards (on the non-gated side) a maximum of two feet (2'). No  
16 other structural encroachments shall be permitted in the front, side or rear yard except as  
17 provided for in Section 18.19 of Ordinance No. 348.

18 In addition, the following development standard shall also apply:

19 AA. In no case shall more than sixty percent (60%) of any lot be covered  
20 by buildings or structures that are single-story and fifty percent (50%) for those that are  
21 two-story.

22 BB. Lots shall have a minimum net usable pad area of not less than  
23 ninety-seven percent (97%) of the minimum lot area.

24 CC. Building separation between adjacent dwelling units shall not be less  
25 than ten feet (10'). Building separation shall mean the distance between the structural  
26 portions of adjoining dwellings as measured from that point where the dwellings are  
27 nearest; provided, however, that a yard encroachment permitted under Section 18.19 of  
28 Ordinance No. 348 shall not be considered a structural portion for the determination

1 of building separation.

2 DD. Interior side yards may be reduced to accommodate zero lot line  
3 situations, except that, in no case shall the reduction in side yard areas reduce the  
4 required separation between detached structures to less than ten feet (10').

5 (3) Except as provided above, all other zoning requirements shall be the same as those  
6 requirements identified in Article VI of Ordinance No. 348.

7 kp. Planning Area 41B

8 (1) The uses permitted in Planning Area 41B of Specific Plan No. 301 shall be the same as  
9 those uses permitted in Article VIIIe, Section 8.101 of Ordinance No. 348, except that the uses  
10 permitted pursuant to Section 8.100.a.(1), (6) and (8), b.(1) and c.(1) shall not be permitted.

11 (2) The development standards for Planning Areas 41B of Specific Plan No. 301 shall be  
12 the same as those standards identified in Article VIIIe, Section 8.101 of Ordinance No. 348, except  
13 Section 8.101(b) shall be replaced with the following:

14 A. Whenever a building is to be constructed on a lot in this zone, it shall have a  
15 front yard, side yard and rear yard, each of which shall not be less than ten (10') feet. If more than one  
16 building is constructed on one lot, there shall be not less than 20 feet separation between the buildings.  
17 No structural encroachments shall be permitted in the front, side, or rear yard except as provided for in  
18 Section 18.19 of Ordinance No. 348.

19 (3) Except as provided above, all other zoning requirements shall be the same as those  
20 requirements identified in Article VIIIe of Ordinance No. 348.

21 Section 2. This ordinance shall take effect 30 days after its adoption.

CITY OF MENIFEE, STATE OF CALIFORNIA

By \_\_\_\_\_  
Mayor, City of Menifee

ATTEST:

By \_\_\_\_\_  
City Clerk

Approved as to form:

By \_\_\_\_\_  
City Attorney

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ALBERT A.  
**WEBB**  
ASSOCIATES



# Menifee Valley Specific Plan

DRAFT March 2019



Prepared for



**MENIFEE**

New. Better. Best.

Developed by

**Brookfield**  
Residential





# Menifee Valley Specific Plan

Lead Agency

**CITY OF MENIFEE**

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**DRAFT 2**

March 7, 2019

# Table of Contents

<b>1.0 Introduction .....</b>	<b>1.0-1</b>
1.1 Overview.....	1.0-1
1.2 Planning Context.....	1.0-1
1.3 Project Location.....	1.0-3
1.4 Existing General Plan Land Use and Zoning Designations.....	1.0-5
1.5 Background.....	1.0-5
1.6 The Vision .....	1.0-6
1.7 The Plan.....	1.0-7
1.8 Project Objectives.....	1.0-8
1.9 Specific Plan Organization.....	1.0-9
<b>2.0 Regulatory Framework .....</b>	<b>2.0-1</b>
2.1 Purpose of the Specific Plan.....	2.0-1
2.2 Authority and Scope.....	2.0-1
2.2.1 Subdivision.....	2.0-2
2.2.2 Zoning Code.....	2.0-2
2.3 Environmental Assessment.....	2.0-3
2.4 Approvals.....	2.0-3
<b>3.0 Community Plan .....</b>	<b>3.0-1</b>
3.1 Land Use Plan.....	3.0-1
3.1.1 Land Use Designations.....	3.0-2
3.1.2 Planning Areas.....	3.0-5
3.1.3 Land Use Buildout.....	3.0-8
3.1.4 Allowable Uses.....	3.0-10
3.2 Circulation Plan.....	3.0-18
3.2.1 Project Access.....	3.0-18
3.2.2 Vehicular Network.....	3.0-18
3.2.3 Street Sections.....	3.0-21
3.2.4 Intersection Concepts.....	3.0-26
3.2.5 Non-Vehicular Circulation Plan.....	3.0-31
3.3 Open Space and Recreation Plan.....	3.0-33
3.3.1 Active Recreation.....	3.0-33
3.3.2 Passive Recreation.....	3.0-37
3.3.3 Pedestrian Connections.....	3.0-45



# Table of Contents

3.3.4	Conservation .....	3.0-51
3.4	Public Facilities .....	3.0-52
3.4.1	Water .....	3.0-52
3.4.2	Recycled Water .....	3.0-54
3.4.3	Sewer .....	3.0-54
3.4.4	Drainage .....	3.0-57
3.4.5	Utility Providers.....	3.0-59
3.4.6	Schools .....	3.0-64
3.4.7	Police and Fire .....	3.0-64
3.5	Conceptual Grading Plan .....	3.0-66
3.6	Conceptual Phasing Plan .....	3.0-68
<b>4.0</b>	<b>Development Standards .....</b>	<b>4.0-1</b>
4.1	Land Use .....	4.0-2
4.2	Circulation .....	4.0-4
4.3	Open Space and Recreation.....	4.0-4
4.4	Public Facilities .....	4.0-5
4.4.1	Water and Sewer.....	4.0-5
4.4.2	Drainage Facilities .....	4.0-5
4.4.3	Utilities .....	4.0-6
4.4.4	Solid Waste .....	4.0-6
4.6	Grading.....	4.0-6
4.7	Phasing.....	4.0-7
4.8	Maintenance .....	4.0-7
<b>5.0</b>	<b>Landscape Guidelines .....</b>	<b>5.0-1</b>
5.1	Landscape Plan Description .....	5.0-1
5.2	Plant Palette .....	5.0-1
5.3	General Landscape Design Guidelines .....	5.0-7
5.3.1	Residential Lot Street Trees .....	5.0-7
5.3.2	Interior Slope Landscape .....	5.0-7
5.3.3	Lighting.....	5.0-7
5.3.4	Signage and Monumentation.....	5.0-9
5.3.5	Public Art.....	5.0-9
5.3.6	Irrigation .....	5.0-9



# Table of Contents

5.3.7	Erosion Control .....	5.0-11
5.3.8	Management Considerations .....	5.0-12
5.3.9	Maintenance Responsibility .....	5.0-13
5.4	Wall and Fence Plan.....	5.0-13
5.4.1	Community Theme Wall .....	5.0-16
5.4.2	Residential Theme Wall .....	5.0-16
5.4.3	Accent Walls and Fences .....	5.0-16
5.4.4	View Fencing.....	5.0-17
<b>6.0</b>	<b>Architectural Design Guidelines.....</b>	<b>6.0-1</b>
6.1	Purpose and Intent.....	6.0-1
6.2	Residential Design Guidelines.....	6.0-2
6.2.1	Neighborhood Design .....	6.0-2
6.2.2	Residential Building Typologies .....	6.0-2
6.2.3	Livable Streets .....	6.0-14
6.2.4	Pedestrian Connectivity .....	6.0-15
6.2.5	Visible Edges.....	6.0-16
6.3	Building and Site Design .....	6.0-17
6.3.1	Architectural Styles.....	6.0-17
6.3.2	Building Placement and Orientation .....	6.0-18
6.3.3	Form and Massing .....	6.0-19
6.3.4	Garage Placement and Parking Areas .....	6.0-21
6.3.5	Roof Consideration .....	6.0-24
6.3.6	Articulation and Details .....	6.0-25
6.3.7	Materials and Colors .....	6.0-28
6.3.8	Functional Elements .....	6.0-29
6.4	Non-Residential Design Guidelines .....	6.0-26
6.4.1	Overview.....	6.0-31
6.5	Non-Residential Building and Site Design.....	6.0-31
6.5.1	Building Placement and Orientation .....	6.0-31
6.5.2	Scale and Massing .....	6.0-32
6.5.3	Articulation and Details .....	6.0-33
6.5.4	Materials and Colors .....	6.0-34
6.5.4	Screening.....	6.0-35
6.6	Temporary Structures Design Guidelines.....	6.0-35



**Table of Contents**

**7.0 Administration and Implementation ..... 7.0-1**

- 7.1 Implementation Plan..... 7.0-1
  - 7.1.1 General Administration..... 7.0-1
  - 7.1.2 Applicability..... 7.0-1
  - 7.1.3 Severability ..... 7.0-2
  - 7.1.4 Interpretation ..... 7.0-2
  - 7.1.5 Specific Plan Modifications ..... 7.0-2
  - 7.1.6 Implementation and Approval Process ..... 7.0-4
- 7.2 Financing Plan..... 7.0-8
  - 7.2.1 Developer Funding..... 7.0-10
  - 7.2.2 Special Assessment Districts ..... 7.0-10
  - 7.2.3 Landscaping and Lighting Districts ..... 7.0-10
  - 7.2.4 Community Facilities Districts and Mello-Roos..... 7.0-10
  - 7.2.5 Other Funding Sources ..... 7.0-11
- 7.3 Maintenance Plan..... 7.0-12
  - 7.3.1 Apportionment of Cost for Maintenance of Common Areas ..... 7.0-12
  - 7.3.2 Master Maintenance Area..... 7.0-12
  - 7.3.3 Specific Facilities Maintenance..... 7.0-12
  - 7.3.4 Project Roadways and Roadway Landscaping ..... 7.0-12
  - 7.3.5 Private Maintenance Area ..... 7.0-13

**Appendix A ..... A-1**

- A.1 General Plan Consistency ..... A-1

**Appendix B ..... B-1**

- B.1 Specific Plan Zoning Ordinance..... B-1



## List of Figures

Figure 1, Regional Map.....	1.0-2
Figure 2, Aerial Map .....	1.0-4
Figure 3, Land Use Plan.....	3.0-6
Figure 4, Circulation Plan.....	3.0-19
Figure 5A, Sections: McLaughlin Road and Malaga Road .....	3.0-23
Figure 5B, Sections: State Route-74, Menifee Road, and Briggs Road .....	3.0-25
Figure 5C, Sections: Neighborhood, Local, and Alley .....	3.0-27
Figure 6A, Intersection Concepts: Malaga Road .....	3.0-28
Figure 6B, Intersection Concepts: McLaughlin.....	3.0-29
Figure 6C, Intersection Concepts: State Route-74.....	3.0-30
Figure 7, Bike/NEV Circulation Plan.....	3.0-32
Figure 8, Conceptual Open Space and Recreation Plan.....	3.0-36
Figure 9A, McLaughlin Conceptual Greenbelt.....	3.0-39
Figure 9B, McLaughlin Conceptual Greenbelt .....	3.0-40
Figure 9C, McLaughlin Conceptual Greenbelt .....	3.0-41
Figure 9D, McLaughlin Conceptual Greenbelt.....	3.0-42
Figure 9E, McLaughlin Conceptual Greenbelt .....	3.0-43
Figure 10, Conceptual Southern Greenbelt .....	3.0-44
Figure 11A, Conceptual Pedestrian Connection Plan.....	3.0-46
Figure 11B, Conceptual Pedestrian Connection Plan .....	3.0-47
Figure 12A, Sections: Trails and Local Connections.....	3.0-48
Figure 12B, Sections: Trails and Local Connections .....	3.0-49
Figure 12C, Sections: Trails and Local Connections .....	3.0-50
Figure 13, Conceptual Water Plan.....	3.0-53
Figure 14, Conceptual Recycled Water Plan.....	3.0-55
Figure 15, Conceptual Sewer Plan.....	3.0-56
Figure 16, Conceptual Drainage Plan.....	3.0-58
Figure 17, Existing Communication Facilities.....	3.0-60
Figure 18, Existing Natural Gas Facilities .....	3.0-61
Figure 19, Existing SCE Facilities.....	3.0-63
Figure 20, Potential School Locations .....	3.0-65
Figure 21, Conceptual Grading Plan.....	3.0-67
Figure 22, Conceptual Landscape Plan .....	5.0-2
Figure 23, Conceptual Monumentation .....	5.0-10



## List of Figures

Figure 24, Conceptual Wall and Fence Plan.....	5.0-14
Figure 25, Wall and Fencing Types.....	5.0-14
Figure 26, Plotting Concept Examples-Single Family Detached Homes .....	6.0-5
Figure 27, Plotting Concept Examples-Detached Cluster Homes.....	6.0-7
Figure 28, Plotting Concept Examples-Detached Cluster Homes.....	6.0-8
Figure 29, Plotting Concept Examples-Attached Residential Buildings.....	6.0-10
Figure 30, Plotting Concept Examples-Attached Residential Buildings.....	6.0-11
Figure 31, Plotting Concept Examples-Attached Residential Buildings.....	6.0-12
Figure 32, Plotting Concept Examples-Attached Residential Buildings.....	6.0-13
Figure 33, Pedestrian Connectivity .....	6.0-15
Figure 34, Front-Loaded Garage Examples.....	6.0-22
Figure 35, Court-Loaded Garage Examples.....	6.0-22





## List of Tables

Table A, Land Use Summary .....	3.0-8
Table B, Planning Area Summary and Buildout Potential.....	3.0-9
Table C, Allowable Land Uses .....	3.0-11
Table D, Residential Planning Standards.....	4.0-3
Table E, Plant Palette .....	5.0-3
Table F, Appropriate Residential Building Typologies by Planning Area .....	6.0-3
Table G, Funding and Maintenance Responsibilities .....	7.0-8



## 1.1 Overview

A specific plan is a policy tool to implement the vision for a defined area in greater detail than provided in a general plan and through more customized development and design standards than those found in a zoning code. The Menifee Valley Specific Plan (the Plan) serves as the long-range plan for development of residential, neighborhood commercial, public facility, conservation, and recreational amenities and the guide to all future development proposals within the Plan area. This Specific



Plan provides detailed text and conceptual exhibits describing the various land uses, development standards, design guidelines, and circulation and infrastructure improvements, as well as a systematic approach for Project implementation and administration. This document guides the buildout of the property in a manner that is consistent with City and other applicable regulations ensuring that the various Plan elements will be developed in a coordinated manner.

## 1.2 Planning Context

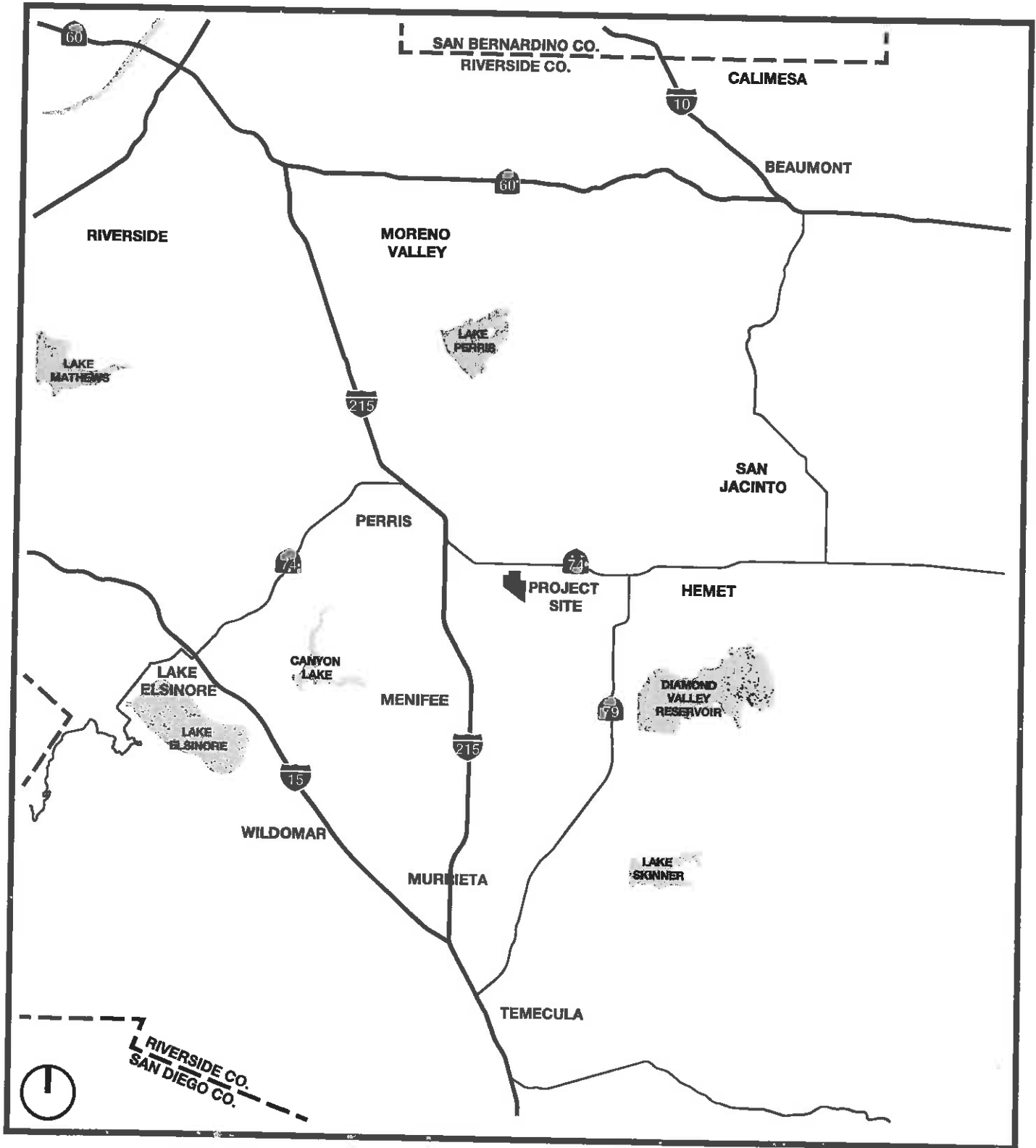
On June 3, 2008, residents in the communities of Sun City, Quail Valley, Paloma Valley, and portions of Romoland, voted to incorporate Menifee as Riverside County's twenty-sixth City. The new City of Menifee was officially established October 1, 2008 and is bordered to the north by the City of Perris, to the south by the City of Murrieta, to the west by the Cities of Canyon Lake and Lake Elsinore, and to the east by unincorporated Riverside County. The City of Menifee is approximately 46 square miles centrally located in the heart of southern California between San Diego and Los Angeles County's with an overall population of 91,902 persons<sup>2</sup>. It is situated in southwestern Riverside County approximately 30 miles southeast of the City of Riverside as illustrated in **Figure 1, Regional Map**.

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<sup>2</sup> California Department of Finance Demographic Research Unit, *Report E-1: Population Estimates for Cities, Counties, and the State January 1, 2017 and 2018, May 1, 2018* (Available at <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-1/>, as of July 30, 2018.)



FIGURE 1  
**REGIONAL MAP**



## 1.0 Introduction

The City of Menifee offers a variety of distinctive living environments defined by topography, history, and rural-suburban settings. It is comprised of a collection of independently established communities. Quail Valley is a small-lot, semi-rural residential community in the northwestern portion of the City while Romoland is a residential and commercial community located in the northeastern section of the City. The Bell Mountain community and other areas south of Garbani Road offer residents a more rural setting while the Paloma Valley area encompasses master planned communities in the City of Menifee.

Early development within the City of Menifee began in the early 1960's with the community of Sun City, a master planned retirement development envisioned by Del Webb, a major building contractor who viewed the area as ideal for retirees.

Sun City is centrally located within the City consisting of a mix of age-restricted residential and commercial land uses. The 1980's and 1990's saw the rise of family-centric master planned communities like that of Menifee Lakes. Proximity to large parks, lakes, and shopping further broadened the appeal of this area which continues to be one of the fastest growing communities in California.

Today, a total of 18 specific plans guide development in and around the City, mainly along Newport Road and areas east of Interstate 215 (I-215). Since the newly incorporated City of Menifee is comprised of Sun City, Quail Valley, and portions of Romoland, the inherent land uses and community characteristics of these communities are now part of the fabric of the City. The next chapter in the City's evolution includes the Menifee Valley Specific Plan.

### 1.3 Project Location

The Menifee Valley Specific Plan ("the Project" or "the Plan") is located in the City of Menifee, Riverside County, California on an approximately 594 acres specifically located at the northeast corner of the intersection of Menifee Road and Matthews Road. The Project site is bound by State Route 74 (SR-74) to the north, Menifee Road to the west, Matthews Road to the south, and Briggs Road to the east as reflected on **Figure 2, Aerial Map**.



**FIGURE 2**  
**AERIAL MAP**





### 1.4 Existing General Plan Land Use and Zoning Designations

The existing Project site is vacant and undeveloped land utilized for dry farming. The City's General Plan identifies the site as having a general plan land use and zoning designation of Specific Plan (SP) and it was previously part of the Menifee Valley Ranch Specific Plan No. 301, originally approved by the Riverside County Board of Supervisors April 29, 1997.

### 1.5 Background

The Project site is located within the approved Menifee Valley Ranch Specific Plan No. 301 (SP301) originally adopted by Riverside County Board of Supervisors April 29, 1997 which is bound to the north by SR-74, to the south by Simpson Road, to the east by Briggs Road, and to the west by Menifee Road. Since that time, Riverside County approved a number of amendments to SP301 which today provides for mix of development across 1,548 acres, allowing for 4, 407 dwelling units to develop on 4,500, 5,000, 6,000, 7,200, 8,000, and 9,000 square foot lots including a mix of Medium Density Residential, Medium High Density Residential, Medium High Density Triplex Units, Very High Density Multi-Family units, and Active Adult development. That Plan also allows for development of elementary/middle schools, a high school, commercial uses, parks, greenbelts, lake, and golf course.

Upon the City's incorporation approved SP301 is now under the jurisdiction of the City of Menifee. A majority of SP301 located south of Matthews Road and an inactive rail line, which bisects the approved SP301, has been developed as per the approved SP301, its amendments, and substantial conformance approvals. At present, this inactive rail line acts as a distinct barrier between two very different areas: 1) south of rail line which is mostly developed as Heritage Lake per SP301; and 2) north of rail line which has remained almost entirely vacant. As the areas north and south of this rail line are two distinct projects, it makes sense to separate them, leaving the area south of the rail line within approved SP301 and creating the new Menifee Valley Specific Plan to guide future development for the area north of the rail line. Splitting away the northern section and incorporating it into the new Menifee Valley Specific Plan will reflect the reality of how the land is actually used in the area and allow developers and the City the opportunity to plan a modern project for this undeveloped area north of the rail line.





### 1.6 The Vision

This emerging area located in northeastern Menifee is high on potential, but limited on amenities. Project applicant is addressing this opportunity to provide change through the Menifee Valley Specific Plan; a new vision for a new community.

By thinking differently, a more contemporary storyline can be provide for this area by advancing a neo-traditional approach towards place-making. Brookfield will address need for amenities by creating an overarching big idea for this area and include reasoning from the perspective of the "new senior."

Today's age-qualified communities are virtually nothing like the retirement communities of decades passed. The Baby Boomer generation, one of the largest generations in American history and known for leading societal change since the 1960's, is

continuing to drive change as they reach retirement age by re-defining today's "senior" community members and characterizing them as "Active Adults." Today's generation of seniors are healthier than ever with many continuing to work into their late sixties and seventies. Key characteristics of this generation is the desire to enjoy a higher quality of life often seeking out news ways to maintain a healthy and active lifestyle; hence the "Active Adult."

While retirement communities have always had a social aspect, today's Active Adult prefers edgier activities and trendy amenities in the new communities. While Active Adults enjoy socializing and trying new activities just like their counterparts in past generation, the interests and expectations of the Active Adult have changed from their predecessors seeking fun and unconventional activities within their communities.

Consequently, the neo-traditional design concept provides the most opportunity for both all age and active adult communities by providing a mix of land uses and range of housing opportunities, creating walkable neighborhoods, fostering a strong sense of place, developing a discernible center, creating streets that form a connected network, and locating active uses at the edge of the neighborhood.

The Plan will include not only a large central social/recreational amenity to act as the beating heart of this new community, but will provide a mix of non-residential uses along the edge of the community to serve both new and existing residents, a host of trails and greenbelts, land for a school site if needed, and a regional part to compliment the central social amenity for all Menifee residents to enjoy.



## 1.7 The Plan

The Menifee Valley Specific Plan (the Plan) is a comprehensive and unique plan for the approximately 594 acre site to guide development of a mixed use residential community that will allow for an array of housing-product types, lot sizes, and styles. The Plan is designed to encourage distinct neighborhood spaces that provide for an all-age community, a gated active-adult community, sports park, recreational amenities, complimentary neighborhood commercial and service uses, and public facilities.

The Plan is sensitive to the site's surrounding physical and environmental conditions. A detailed evaluation of the site's environmental conditions and the market demand were analyzed to establish a sound basis for land use planning decisions. As a result, the Plan integrates this background analysis into a comprehensive development concept, which incorporates measures, to compliment the adjacent uses while at the same time providing a mixed use development, which is supported by market demand. Backbone infrastructure comprised of streets, sewer, water, and drainage facilities have been included to facilitate development of the site.

While the site has many opportunities, there are also a host of constraints to overcome. Menifee Valley is defined on three sides by the one-mile City grid and on one side by an inactive railroad right-of-way and power lines. There is an existing transmission line bisecting the site, so the Plan will help these visually disappear through a variety of site design strategies. McLaughlin Road will be designed as a grand boulevard to help reduce the visual appearance of the existing utility facilities while Malaga will be designed as a curvilinear thoroughfare to slow traffic speeds and provide an interesting visual element; all of which to unify and connect the various neighborhoods that make up Menifee Valley.

The proposed mix of non-residential uses lining the edge of the community will serve both new and existing residents while a large central social/recreational amenity will act as the beating heart of the new community. And, a regional park will be created as a compliment to this central social amenity for all Menifee residents to enjoy.



## 1.8 Project Objectives

The goal of the Menifee Valley Specific Plan (MVSP or "the Plan") is to implement the City's General Plan and establish a contemporary and comprehensive land use policy document for the development of the Menifee Valley Project Area by meeting the following objectives.

- **Balance** - Implement the City's General Plan which envisions that the geographic area governed by the Plan will be developed into a mixed use master planned community consisting of interconnected and functional land uses. The Plan strives to achieve the General Plan's goals by being consistent with the City's General Plan policies.
- **Quality of Life** - Create a master planned community that has a unique character and quality with a commitment to exemplary living, working and recreational environments by providing a mix of uses that includes residential, retail, cultural and civic opportunities that meet local, community and regional needs.
- **Preserve Environmental Resources** - Protect and enhance environmental features within the Plan.
- **Community Design** - Facilitate development of infrastructure needed to serve the Project through efficiently designed and responsibly phased infrastructure improvements; develop residential neighborhoods that respect natural landforms and scenic valley views with a commitment to quality site design, architecture and landscape design, and enhance the character and quality of the State Route 74, Menifee Road, and Briggs Road edges.
- **Housing** - Provide a range of housing opportunities in a diverse mix of neighborhoods to support an array of housing choices for a variety of population, lifestyles and family groups.
- **Recreation and Open Space** - Develop public parks, open space and an integrated trails network with pedestrian and bicycle amenities, to create passive and active recreational opportunities to serve its residents.
- **Mobility Choices** - Provide a comprehensive circulation network with integrated mobility options including pedestrian and bicycle amenities, with enhanced connectivity and safety as alternatives to automobile use.
- **Diversity** - Establish a planning and zoning concept that is responsive to the market by implementing a comprehensive Specific Plan that contains a variety of housing, recreation, and jobs-producing land uses to reduce the vehicle miles driven in the region.



## 1.9 Specific Plan Organization

The Menifee Valley Specific Plan has been prepared in a collaborative effort by a multi-disciplinary design team, and is organized as follows:

**Chapter 1: Introduction.** Provides planning context, project background, location and summary of conceptual plan.

**Chapter 2: Regulatory Framework.** Establishes the purpose, intent, authority and scope of the Specific Plan.

**Chapter 3: Community Development Plan.** Establishes the vision for the Specific Plan, and implementing strategies applicable to the proposed land uses. It begins with the land use plan and subsequently describes major development components (i.e. circulation plan, drainage plan, water and sewer plan, drainage plan, and grading plan).

**Chapter 4: Development Standards.** Establishes the general, residential, and commercial development standards and guidelines for the Plan.

**Chapter 5: Landscape Design Guidelines.** Contains the landscape design guidelines that provide the general provisions for landscaping and irrigation.

**Chapter 6: Architectural Design Guidelines.** Contains the architectural design guidelines that provide a general framework for neighborhood, building and site design.

**Chapter 7: Administration and Implementation.** Describes administration procedures for implementation of the Menifee Valley Specific Plan including financing mechanisms and maintenance procedures.

**Appendix A: General Plan Consistency.** Contains the consistency analysis between the Specific Plan and the City of Menifee General Plan.

**Appendix B: Specific Plan Zoning Ordinance.** Contains the zoning ordinance that defines the allowable uses, standards, design guidelines, and development parameters unique to the Plan.



## 2.0 Regulatory Framework

### 2.1 Purpose of the Specific Plan

A specific plan is defined by Government Code Section 65450, et seq. as a tool for the systematic implementation of the General Plan for all or part of the area covered by the General Plan. It effectively establishes a link between implementing policies of the General Plan and the individual development proposals in a defined area. To an extent, the range of issues contained in a specific plan is left to the discretion of the decision-making body. However, all specific plans must comply with §65450 - 65457 of the Government Code. These provisions require that a specific plan be consistent with the adopted general plan of the jurisdiction within which it is located. In turn, all subsequent subdivision and parcel maps, all development, all public works projects, and zoning ordinances within an area covered by a specific plan must be consistent with the specific plan. The Menifee Valley Specific Plan is intended to comprehensively define the regulations, requirements, and design guidelines for the development of the residential neighborhoods, commercial and public facility spaces, and recreational amenities within the Project site designed to produce a project that is consistent with the goals, objectives, and policies of the General Plan. It will establish the type, location, intensity and character of development, and identify the required infrastructure to support the planned land uses and defines the methods and requirements necessary for development of the Project to insure that City of Menifee General Plan requirements are implemented.

### 2.2 Authority and Scope

The Plan is established through the authority granted to the City of Menifee by the California Government Code, Title 7, Division 1, Chapter 3, Sections 65450 through 65457 which sets forth the minimum requirements and review procedures for specific plans. Section 65454 of the Government Code mandates that a "Specific Plan shall include a text and diagram or diagrams which specify all of the following:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.
- The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area and needed to support the land uses described in the Plan.
- Standards and criteria by which improvements will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- A program of implementation measures including regulations, programs, public works projects, and financing measures to implement all of the above.
- A statement of the relationship of the specific plan to the general plan.



## 2.0 Regulatory Framework

In addition, the specific plan may address other subjects that, in the judgment of the planning agency, are necessary or desirable for implementation of the general plan. State law permits a specific plan to be prepared, adopted, or amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance, and may be amended as often as is deemed necessary by the legislative body and must be consistent with a city's general plan. A Planning Commission hearing and City Council hearing are required, and specific plans must be adopted by the City Council.

### 2.2.1 Subdivision

A 14 lot Tentative Tract Map No. 37573 (TTM 37573) will be processed with the City concurrently with the Menifee Valley Specific Plan. TTM 37573 will be prepared pursuant to the applicable provisions of the State of California Subdivision Map Act (Government Code Section 66410 through 66499), the City of Menifee Subdivision Ordinance, and the applicable provisions contained within the financing, conveyance and ultimately the Menifee Valley Specific Plan. This tentative tract map will provide for legal lots lines for the planning areas for the approximately 594 acres.

### 2.2.2 Zoning Code

This Specific Plan provides standards, design guidelines, and development parameters unique to the Project and is the "zoning code" for the Project site. As such, this Specific Plan is the first source for direction regarding any proposed development and use in the Project area; however, it is not the only source. In some cases, this Specific Plan provides direct references to the City of Menifee Zoning Code. In addition, where this Specific Plan is silent, applicable provisions of the City of Menifee Zoning Code, as determined to be appropriate by City staff, shall be utilized. Where a conflict exists between the standards contained herein and those found in the City of Menifee Zoning Code, the standards in this document apply. Please see *Chapter 7.0, Administration and Implementation*, for more detail regarding interpretations, authority, and Plan administration. Since the land use designations and accompanying development standards are uniquely tailored to this Project, there is no direct correlation to any one zoning category in the City of Menifee Zoning Code. It is the intent of the City to adopt the Menifee Valley Specific Plan by ordinance as a regulatory zoning document.



## 2.0 Regulatory Framework

### 2.3 Environmental Assessment

The California Environmental Quality Act (CEQA) informs decision makers, staff, and the public about the potential environmental impacts of development. The CEQA process provides an opportunity to address potential environmental impacts in order to maintain public health and safety. An environmental impact report (EIR) has been prepared to analyze and disclose the significant environmental impacts of the Menifee Valley Specific Plan (provided under separate cover). The EIR will detail the consistency between this Specific Plan and the City of Menifee General Plan. The EIR also analyzes the Project and potential alternative projects to identify any potential significant environmental impacts associated with the proposed future development of the site. The EIR includes mitigation measures and a mitigation monitoring program that are required to be implemented as conditions of development approval.

### 2.4 Approvals

Actions and entitlements necessary to facilitate implementation of this proposed Project include the following:

- Approval of Specific Plan for the entire Project area
- Approval of Tentative Tract Map
- Approval of Zone Change
- Certification of CEQA documentation for the proposed Project



## 3.0 Community Plan



This chapter presents the Plan that will govern the major aspects of the future development within the Plan. It begins with the land use plan and subsequently describes major development components (i.e. circulation, water, sewer, drainage, grading, and Project phasing). Each section describes some of the existing conditions and constraints and then provides a strategy as to how the community will develop within this Plan. Community-wide development standards follow in *Chapter 4.0, Development Standards*.

### 3.1 Land Use Plan

The Plan's vision is to provide a unique community that offers an array of housing products and opportunities through a neo-traditional approach towards placemaking. The land use plan has been designed to encourage walking and bicycling to destinations close to home through a pedestrian friendly street patterns offering residents a pleasant walking/riding environment. The approximately 594 acre Menifee Valley Specific Plan features a traditional neighborhood lifestyle with pedestrian connectivity through a system of trails, sidewalks, bicycle and neighborhood electric vehicle (NEV) lanes that will link residential neighborhoods to one another as well as to parks, recreational amenities, neighborhood commercial services, civic uses, and schools. A major component of the Plan will be a multipurpose park that is planned for a wide range of activities that may include soccer and other field sports, picnic areas, tot lots, as well as informal open space and recreational areas.



### 3.1.1 Land Use Designations

#### Residential

Approximately 472 acres are identified for residential development with densities ranging from 3 to 7.5 dwelling units per acre. The proposed Project will include an array of residential densities, lots sizes, housing-product types and styles for both an All-Age community and an Active-Adult community.



The All-Age community is intended to support families and individuals seeking diversity in housing products and will allow for development of a school site, if necessary, on up to 12 acres. The term "Active-Adult" is used to describe today's senior community members who are physically active and seek more amenities within close proximity to a variety of housing options in a gated community setting intended to support a healthy and active lifestyle for older adults.

The Residential land use designation will allow for maximum flexibility by identifying an allowable range of dwelling units for each Planning Area, with a suggested minimum and maximum dwelling units counts for each Planning Area. The Plan will allow for density transfers up to 25 percent of the target number of units identified for each Planning Area. However, in no event will the maximum number of dwelling units allowed within the Plan exceed 2,757 across the entirety of the Project site. This ability to use density transfers, along with a suggested range of dwelling unit counts for each Planning Area will promote a range of product types and lot sizes that may evolve as demand and market preferences change during buildout of the Plan. The Plan will provide a menu of product types for each Planning Area with lots ranges of 4,000 square feet, 5,000 square feet, 6,000 square feet, as well as a variety of attached products with higher densities such as apartments and attached for sale units.

The Plan's Residential land use designation will also allow for parks, greenbelts, paseos, water quality features, and amenity areas as allowable uses so that development of such uses may occur within any residential Planning Area as appropriate or needed in order to better serve the community.

## 3.0 Community Plan



### Retail – Mixed Use

Approximately 13 acres are identified as retail-mixed use development. This land use designation will allow for development of a variety of retail, office, service, restaurant, open space and residential uses to develop horizontally. This land use designation will encourage a mix of uses and innovative housing products with gross densities ranging from 26 to 44 dwelling units per acre, to create an appropriate transition between the existing public facility uses located to the west, future planned commercial to the north, and future residential uses within the Plan to the south and east. This designation will allow for up to 120,000 square feet of non-residential uses to develop. Should a residential component develop, a target of 175 dwelling units is permitted to develop on up to five acres in place of non-residential uses.

### Open Space - Recreation

Approximately 27 acres are identified as open space-recreation to provide land devoted to active and passive recreational uses. This land use designation provides areas of community focal points and areas for both community and regional gathering.

### Open Space – Conservation

Approximately 15 acres are identified as open space-conservation which is intended to provide land devoted to open space that is valued for natural landforms, wildlife, and aesthetic beauty, and to protect archaeological, paleontological, and historical resources.



### Civic

Approximately 3 acres are identified for public facility development. This land use designation will provide for civic and other public agency type uses allowing for an array of future civic facilities, allowing up to 65,340 square feet to develop to serve the Plan and surrounding community.



### 3.0 Community Plan



#### **Agrihoods – “Farm-to-Fork”**

While Agrihood is not a designated land use category within the land plan, it is an important element of the Plan. “Agrihoods” integrate agricultural uses into residential and non-residential areas by centering housing developments and urban or mixed use spaces around community farming for the purpose of promoting neighborhood growth and healthy lifestyles. Agrihoods can

celebrate a communities past linkage to agriculture and/or help increase social recreation through the presence of greenspace, such as community gardens, small scale working farms, crops, produce stands, greenhouses, small scale farmers markets, cooking schools, and farm-to-fork restaurants. Agrihood uses will be allowable in almost all Planning Areas to promote additional greenspaces and gathering places. The Plan will encourage and allow for a variety of uses to develop within individual planning areas so as to allow flexibility to adapt to changing markets and provide a more interactive neighborhood community. Agrihood uses are intended to be limited in size to no more than 2 acres and may be interim uses until such time as the Plan develops. It is anticipated that agrihood uses will likely occur within amenity areas.



*Example of urban farming and farmers market concepts*





### 3.1.2 Planning Areas

The Plan is divided into 14 planning areas to guide land use type and intensity while allowing for flexibility. The Plan has considered the sites opportunities and designed around the many constraints in order to provide much needed amenities and services to both the Plan's residents and surrounding community. **Figure 3, Land Use Plan** identifies the location of each planning area and land use designation.

**Planning Areas 1 – 6.** The All-Age community is intended to support families and individuals seeking diversity in housing products and is located within Planning Areas 1-6. These Planning Areas will allow for a target of 1,453 dwelling units to develop. Additionally, these planning areas may be gated communities.

Planning Areas 2 and 3 will allow for development of a school site, if necessary, on up to 12 acres.

Planning Area 5 will allow for development a greenbelt along its southern boundary.

Water Quality features and paseos may also develop throughout the site to provide for non-vehicular connectivity as well as active and passive recreational uses. The Plan will allow for development of an approximately 6.5 acre major amenity (Village Green) and two 2-acre private minor amenity areas within the All-Age community. The proposed amenity areas may include structures with multi-purpose room(s) and include pools, spas, restrooms, BBQ's, shade structures, and playground equipment.

**Planning Area 7.** This planning area is intended to provide a mix of retail, office, service, restaurant, open space, and residential uses. This land use designation takes advantage of its exposure and visibility to State-Route 74 (SR-74). As SR-74 is an eligible state scenic highway, care shall be taken with development uses to ensure compatibility with the surrounding scenic environment. These uses will interact with future commercial uses north of SR-74 and provide complimentary and transitional uses between this planning area and the adjacent future all-age residential community and existing SCE facility located west of the Plan.



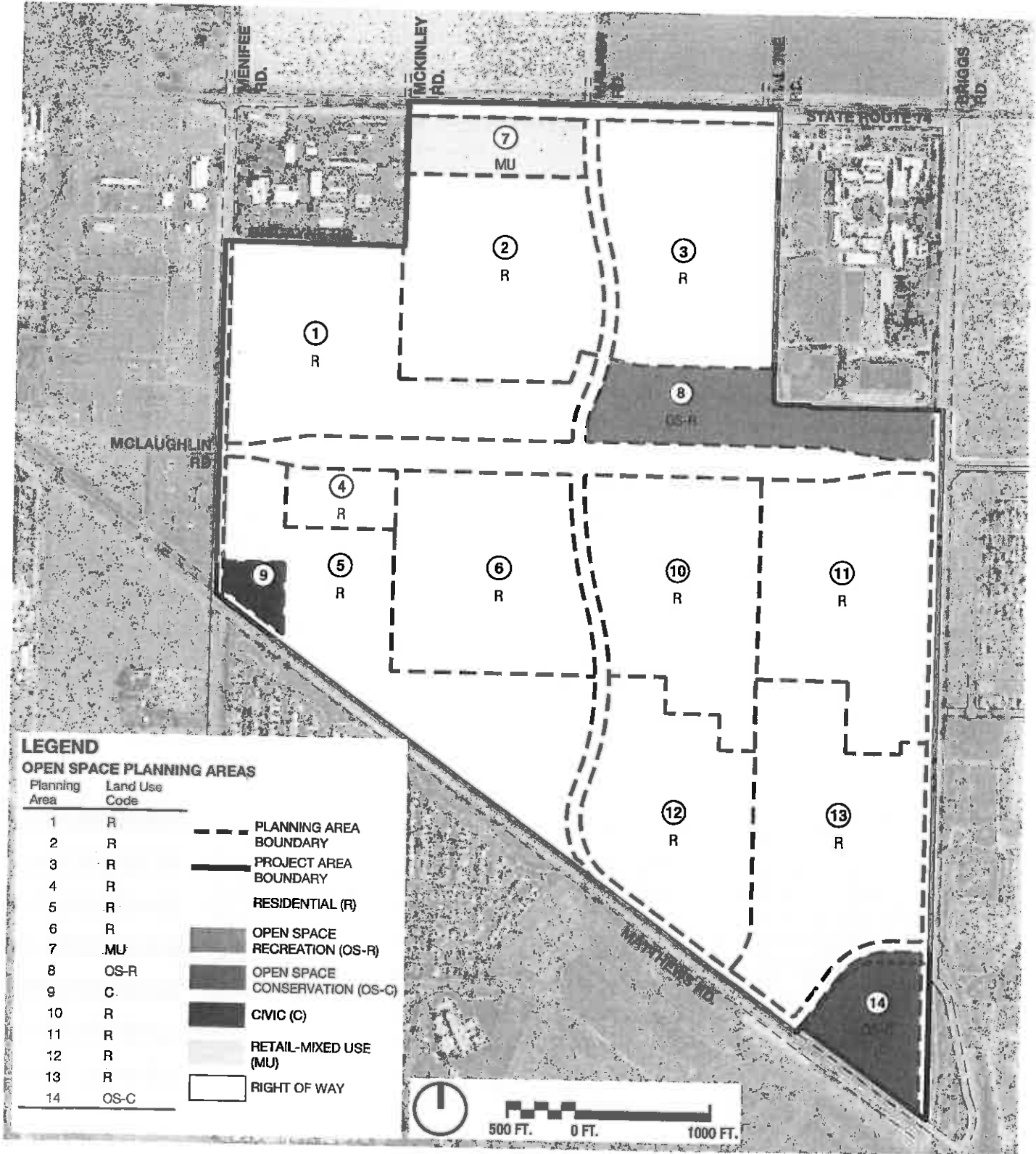
Planning Areas  
1-6



Planning Area  
7



**FIGURE 3  
LAND USE PLAN**



### 3.0 Community Plan

**Planning Area 8.** This planning area is intended to develop with active recreational uses. The planning area provides sufficient space for a community feature such as a sports park to serve the community and meet regional needs. This planning area is located north of McLaughlin Road and adjacent to Heritage High School. This planning area will allow for a variety of active and passive recreations uses. A jurisdictional feature is located within this planning area that shall be avoided.

**Planning Area 9.** This planning areas is intended to develop with civic uses as it is strategically located at the southwest corner of McLaughlin Road and the existing rail line. As the rail line may be reactivated in the future to become an important connection to the San Jacinto Valley area, this planning area will allow for the development of a number of potential public facility uses that could benefit the surrounding community.

**Planning Areas 10 – 13.** These planning areas are intended to develop as residential supporting a gated Active-Adult community and planned to allow for a target of 1,129 age qualified dwelling units. The Plan will also allow for development of an approximate 6.5 acre major amenity (Active Adult Green) and minor private amenities within the Active Adult community. A recreation center may develop in any of these planning areas and is anticipated to consist of structures which may include indoor meeting rooms, flex spaces, reception areas, fitness rooms, and restrooms along with outdoor amenities including pools, lounge areas, shade structures, spas, BBQ's, trails, walkways, etc.

**Planning Area 14.** This planning area is set aside exclusively as Open – Conservation Habitat to protect approximately 15 acres of important natural resources located in the southeastern corner of the Plan. No development or improvements are permitted within this planning area.



Planning Area  
8



Planning Area  
9



Planning Areas  
10-13



Planning Area  
14



# 3.0 Community Plan

## 3.1.3 Land Use Buildout

Planning Area details and buildout potential of the Plan are outlined in **Table A, Land Use Summary** and **Table B, Planning Area Summary and Buildout Potential**, below.

<b>Table A Land Use Summary</b>			
Land Use	Acreage	Target Dwelling Units	Maximum Square Footage
Residential	472	2,582	-
Retail – Mixed Use	13	175 <sup>1</sup>	120,000
Civic	3		65,340
Open Space – Conservation	15		-
Open Space – Recreation	27		-
Greenbelt	11		
Right-of-Way	53		
<b>TOTALS</b>	<b>594</b>	<b>2,757<sup>2</sup></b>	<b>185,340</b>
1. A target of 175 dwelling units may development within this Planning Areas on up to five acres in place of non-residential development. 2. Overall development of dwelling units within this Specific Plan shall not exceed 2,757.			



**Table B  
Planning Area Summary and Buildout Potential**

Planning Area	Land Use	Acres	Dwelling Unit Range			Density Range <sup>2</sup>	Floor Area Ratio/ Maximum Square Footage (SF)
			Minimum	Target	Maximum		
1	Residential (All-Age)	56	216	288	360	3.9 – 6.4	
2	Residential (All-Age)	50	217	289	361	4.3-7.2	
3	Residential (All-Age)	51	230	307	384	4.5-7.5	
4	Residential (All-Age)	8	36	48	60	4.5-7.5	
5	Residential (All-Age)	48	196	261	326	4.1-6.8	
6	Residential (All-Age)	61	195	260	325	3.2-5.3	
7 <sup>1</sup>	Retail-Mixed Use	13	131	175	219	26.3-43.8	120,000 SF
8	Open Space – Recreation	27					
9	Civic	3					≤0.5
							65,340 SF
10	Residential (Active-Adult)	47	218	290	363	4.6-7.7	
11	Residential (Active-Adult)	51	222	296	370	4.4-7.3	
12	Residential (Active-Adult)	44	119	265	331	4.5-7.5	
13	Residential (Active-Adult)	56	209	278	348	3.7-6.2	
14	Open Space – Conservation	15					
	Greenbelt	11					
	Right-of-Way	53					
<b>TOTALS</b>		<b>594</b>	<b>2,757<sup>3</sup></b>				<b>185,340 SF</b>

1. A target of 175 dwelling units may development within this Planning Areas on up to five acres in place of non-residential development.
2. Density range is based on the minimum number of dwelling units per Planning Area acreage up to the maximum number of dwelling units per Planning Area acreage.
3. Overall development of dwelling units within this Specific Plan shall not exceed 2,757



### 3.1.4 Allowable Uses

**Table C, Allowable Uses**, establishes the regulatory policy for uses allowed within each Planning Area as either: permitted-by-right (P) or conditionally permitted (C). Permitted-by-right is defined as land uses specifically listed as permitted under a specific zoning classification; conditionally permitted is defined as land uses allowed if a conditional land use permit is obtained for that land use at a specific location. Those uses not specifically listed in **Table C**, are subject to a determination by the Community Development Director.

#### **Temporary Uses**

Any use that is allowable, may also occur on a temporary basis through the use of temporary structures. Temporary structures may consist of modular units, trailers, or shade structures and may be used for the following purposes:

- Welcome center(s)/home finding center(s) for home sale information/assistance but are not model homes;
- "Farm-to-fork" stands for seasonal sales of agricultural products (such as fruit and vegetable stands), if said products are grown on the premises;
- Barns and sheds for equipment storage and animal keeping (primarily chicken and the potential for a few small animals such as goats);
- Greenhouses and shade structures for cultivation;
- Temporary public facilities (such as fire stations); and
- Special events such as live entertainment, festivals, fairs or other similar public events.

Temporary structures associated with non-recurring events defined in Chapter 9.06, Temporary Use Permits, of the Menifee Municipal Code may be approved in accordance with the provisions of Chapter 9.06.

Temporary structures associated with recurring events/uses that will occur for more than one year (even sporadically) may be approved administratively by the Community Development Director during review of tract maps, provided the following findings are made: 1) the proposed use is compatible with the underlying zoning, nature, character and use of the surrounding area; 2) the use will not adversely affect the adjacent uses, buildings or structures; and 3) the use is not detrimental to the public health, safety or welfare of the community. The duration, location, required parking (if applicable), landscaping and other applicable criteria shall be determined during this review. Upon completion of home sales in Menifee Valley, the welcome center/home finding center shall be removed and the site upon which it occupies shall revert to the underlying land use per the approved tract map.





### 3.0 Community Plan

**Table C  
Allowable Uses**

(P) Permitted; (C) Conditionally Permitted; • Not Permitted

Use Category	Planning Areas													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
<b>Agrihood (Limited to 2 acres or less)</b>														
Community gardens	C	C	C	C	C	C	C	•	•	C	C	C	C	•
Farmer's market	C	C	C	C	C	C	P	•	•	C	C	C	C	•
Farms, small scale	C	C	C	C	C	C	P	•	•	C	C	C	C	•
Groves	C	C	C	C	C	C	C	•	•	C	C	C	C	•
Office Storage	C	C	C	C	C	C	C	•	•	C	C	C	C	•
Permanent stand for display and sale of agricultural produce	C	C	C	C	C	C	C	•	•	C	C	C	C	•
Plant nurseries and garden supply	C	C	C	C	C	C	C	•	•	C	C	C	C	•
Row crops	C	C	C	C	C	C	C	•	•	C	C	C	C	•
Temporary stand for display and sale of agricultural produce	C	C	C	C	C	C	C	•	•	C	C	C	C	•
Vineyards	C	C	C	C	C	C	C	•	•	C	C	C	C	•
<b>Civic</b>														
Civic/city related uses (e.g. administrative buildings, City Hall)	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Community centers	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Corporate yards	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Fire and/or police stations	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Libraries	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Schools (K-5)	•	P	P	•	•	•	•	•	•	•	•	•	•	•



### 3.0 Community Plan

**Table C  
Allowable Uses**

(P) Permitted; (C) Conditionally Permitted; • Not Permitted

Use Category	Planning Areas													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Transit facility	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Water quality facilities and basins	P	P	P	P	P	P	P	P	P	P	P	P	P	•
<b>Open Space</b>														
Dog parks	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Greenbelts	P	P	P	P	P	P	P	P	P	P	P	P	P	•
Natural conserved lands	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Paseos	P	P	P	P	P	P	P	P	P	P	P	P	P	•
Public parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	•
Recreation centers	P	P	P	P	P	P	P	P	P	P	P	P	P	•
Sports fields	•	•	•	•	•	•	•	•	P	•	•	•	•	•
Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	•
<b>Residential</b>														
Age qualified housing	•	•	•	•	•	•	•	•	•	P	P	P	P	•
Attached residential	•	•	•	•	•	•	P	•	•	P	P	P	P	•
Detached cluster	P	P	P	P	P	P	•	•	•	P	P	P	P	•
Gated entries	P	P	P	P	P	P	•	•	•	P	P	P	P	•
Single family detached	P	P	P	P	P	P	•	•	•	P	P	P	P	•
<b>Retail-Mixed Use</b>														
Administrative and professional offices or services (e.g. medical, doctors, dental, physical therapy, chiropractic, financial planners,	•	•	•	•	•	•	P	•	•	•	•	•	•	•



3.0 Community Plan

**Table C**  
**Allowable Uses**

(P) Permitted; (C) Conditionally Permitted; • Not Permitted

Use Category	Planning Areas													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
banks, insurance, real estate, travel agent, architects)														
Animal hospitals	•	•	•	•	•	•	C	•	•	•	•	•	•	•
Antique shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Appliance stores, household	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Art supply shops and studios	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Automobile parts and supply stores	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Automobile sales and rentals (indoor only)	•	•	•	•	•	•	C	•	•	•	•	•	•	•
Bakery shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Banking and financial institutions	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Barber/beauty shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Bars and cocktail lounges	•	•	•	•	•	•	P	•	•	C	C	C	C	•
Bicycle sales and rentals	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Boat sales and rentals (indoor only)	•	•	•	•	•	•	C	•	•	•	•	•	•	•
Books stores and binders	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Car washes	•	•	•	•	•	•	C	•	•	•	•	•	•	•
Catering services	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Coffee shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Clubhouses	P	P	P	P	P	P	•	•	•	P	P	P	P	•
Computer sales, rentals, and repairs	•	•	•	•	•	•	P	•	•	•	•	•	•	•



### 3.0 Community Plan

**Table C  
Allowable Uses**

(P) Permitted; (C) Conditionally Permitted; • Not Permitted

Use Category	Planning Areas													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Convenience stores	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Copy centers/postal service centers	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Daycare centers	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Delicatessens	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Department stores	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Drug stores	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Dry cleaners	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Dry goods stores	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Employment agencies	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Fitness/gyms	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Flower/gift shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Food markets and frozen food lockers	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Gasoline service stations	•	•	•	•	•	•	P	•	•	•	•	•	•	•
General merchandise stores and shops (e.g. candy, clothing, electronics, grocery, jewelry, produce, shoes, stationary, supermarkets)	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Golf cart sales and service	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Hardware stores	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Hobby shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•



Table C Allowable Uses														
(P) Permitted; (C) Conditionally Permitted; • Not Permitted														
Use Category	Planning Areas													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Household goods, sales, and repairs including home decor	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Ice cream shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Ice sales	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Interior decorating shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Laundromats (self-serve)	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Liquor stores	•	•	•	•	•	•	C	•	•	•	•	•	•	•
Mail order business	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Massage parlors, Turkish baths, health centers and similar personal service establishments	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Meat markets	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Medical offices and urgent care	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Miscellaneous repairs/service, indoor only (service of clocks, jewelry, vacuums, electronic equipment, shoes)	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Motorcycle sales and rentals (indoors only)	•	•	•	•	•	•	C	•	•	•	•	•	•	•
Music Stores	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Office equipment/supplies	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Paint and wall paper stores	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Pet and pet supply shops	•	•	•	•	•	•	P	•	•	•	•	•	•	•



### 3.0 Community Plan

**Table C  
Allowable Uses**

(P) Permitted; (C) Conditionally Permitted; • Not Permitted

Use Category	Planning Areas													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Photography shops and studios, and engraving	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Prescription Pharmacy	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Recycling collection facilities	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Refreshment Stands	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Restaurants and other eating establishments (no drive-thru)	•	•	•	•	•	•	P	•	•	C	C	C	C	•
Restaurants and other eating establishments (with drive-thru)	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Signs, onsite advertising	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Sporting good stores including bicycle and scooter sales	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Sports and recreation facilities (indoor only)	•	•	•	•	•	•	C	•	•	•	•	•	•	•
Studios for professional work in or teaching of any form of fine arts, including but not limited to photography, music, drama, dance.	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Tailor/shoe repair	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Temporary real estate tract offices and information/welcome centers	P	P	P	P	P	P	•	•	•	P	P	P	P	•
Tractor supply warehouses	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Veterinary services, pet grooming	•	•	•	•	•	•	P	•	•	•	•	•	•	•





### 3.0 Community Plan

**Table C  
Allowable Uses**

(P) Permitted; (C ) Conditionally Permitted; • Not Permitted

Use Category	Planning Areas													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Wholesale businesses with samples on the premises, but not to include storage.	•	•	•	•	•	•	P	•	•	•	•	•	•	•
Winery and appurtenant and incidental uses	•	•	•	•	•	•	P	•	•	•	•	•	•	•



### 3.2 Circulation Plan

Menifee Valley is located approximately two miles east of Interstate 215 (I-215), which is the major thoroughfare in this portion of the County, linking Menifee to northern Riverside County and San Diego County. A system of connected expressways, arterial highways and collector roads are planned to serve the Project area and augment I-215 in moving through traffic to and from other communities.

The Circulation Plan for Menifee Valley reinforces the concept of traditional neighborhood design. The Menifee Valley Specific Plan proposes a circulation system comprised of roads, bike lanes, and pedestrian walkways to provide for efficient and effective access to and through the site. The Circulation Plan is designed to provide optimal circulation efficiency as well as safety for residents. A description of the proposed Circulation Plan is described below.

Existing roads located near the site include State Route 74 (SR-74) to the north, which ultimately connects to the I-215, Menifee Road which traverses the western portion of the site, Briggs Road which traverses the eastern portion of the site, and Matthews Road to the south which is currently an unpaved dirt road.

#### 3.2.1 Project Access

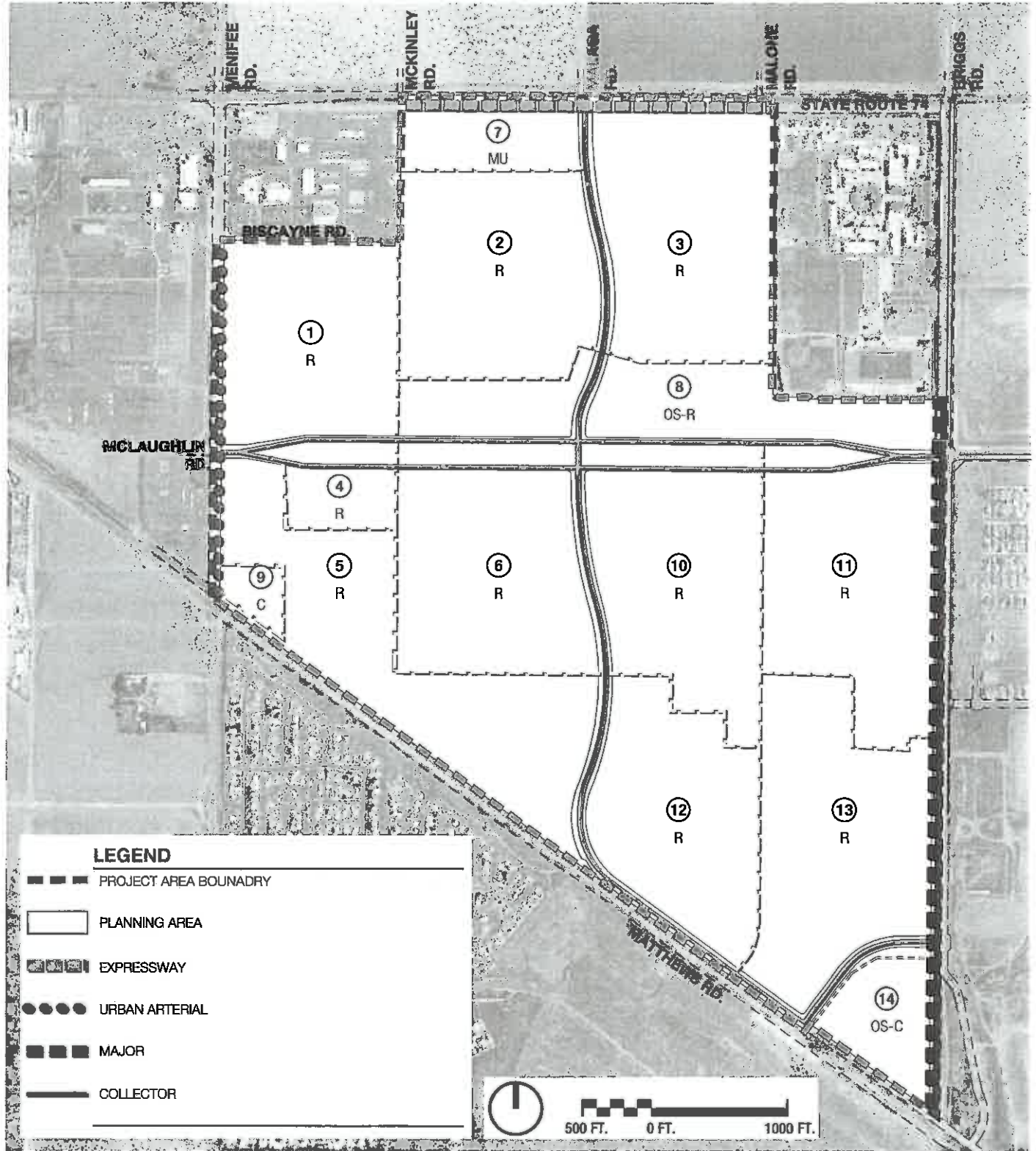
Access to the Project site will be from SR-74, Menifee Road, Malaga Road, Briggs Road, and McLaughlin Road. A number of interior circulation roads will facilitate access to the interior of the Project site.

#### 3.2.2 Vehicular Network

The vehicular network system proposed for Menifee Valley establishes a design hierarchy where local streets serving the individual neighborhoods feed into collector streets that will form the backbone system through the site. Backbone circulation within the Plan will include Menifee Road, Malaga Road, and McLaughlin Road as reflected in **Figure 4, Circulation Plan**. The vehicular Circulation Plan provides the roadway sizes and classifications, as described in further detail below.



**FIGURE 4**  
**CIRCULATION PLAN**



**Traffic Calming.** The Plan identifies a number of traffic calming features which may be incorporated by future implementing projects to help slow vehicular traffic and support pedestrian friendly neighborhoods. The traffic calming features identified below are encouraged throughout the Plan are not intended to provide an exhaustive list. Rather, this list provides a small sample of potential features that may be utilized by implementing future projects to support traffic calming goals.

### Traffic Calming Features

- Stop signs
- Traffic Circles at intersections
- Enhanced pedestrian crosswalks at key intersections (i.e. flashing beacons, enhanced striping)
- Curb bulb-outs placed at key intersections to narrow roadways and provide for pedestrian crossings
- Narrow travel lanes using striping, on-street parking, and larger bike/NEV lanes

**Scenic Highways.** Scenic Highways provide motorists with views of distinctive natural characteristics that are not typical in other areas of the region. Roadways designated as scenic highways support the City's effort to conserve significant scenic resources for future generations and to manage development adjacent to such roadways so as not to detract from the areas natural characteristics. State Route 74 has been designated as an Eligible State Scenic Highway while Menifee Road is an Eligible County Scenic Highway. These two roadways have been designed to meet the City's goals and policies in achieving outstanding scenic qualities.

**Enhanced Landscaped Corridors.** Enhanced Landscaped Corridors provide valuable opportunities for to reinforce the City's community identity through streetscape design and preservation of scenic resources. Design treatments within corridors contain cohesive, yet clearly differentiated design features that reflect the type and extent of uses along it. To help foster a strong identity along major corridors, the City has designated a number of as Enhanced Landscape Corridors. Roadways in this designation are generally recognized as major transportation routes that shall receive special design consideration to ensure they complement the existing community. The City's Scenic Corridors are the same as roadways designated Eligible County Scenic Highways. Menifee Road, Briggs Road, and SR-74 have been identified as Enhanced Landscape Corridors. These three roadways have been designed to meet the City's goals and policies to protect the City's visual resources along its scenic corridors.



### 3.2.3 Street Sections

The following roadway streetscapes and cross-sections for internal backbone roadways are described below and depicted below in **Figure 5A, Sections: McLaughlin Road and Malaga Road.**

#### McLaughlin Road

McLaughlin Road is designated as a Collector. This classification provides for a 232 foot right-of-way allowing for 2 travel lanes of 12 feet each in each direction, an 8 foot shared bike/NEV lane or a 6 foot bike lane with 2 foot buffer in each direction, and a 21 foot parkway with a 6 foot meandering sidewalk on the north side of the roadway and a 16 foot parkway with a 6 foot meandering sidewalk on the south. With a public utility corridor running along McLaughlin Road, a major constraint in developing the roadway exists. Therefore, McLaughlin Road is planned to develop as a grand boulevard showcasing a greenbelt area within an enlarged median as discussed further in *Chapter 3.4, Open Space and Recreation Plan*. The enlarged median is 131 feet wide which will allow for maintenance vehicles to access existing easements and facilities, and provide a meandering trail and greenbelt area for the use of the community.

#### Malaga Road

Malaga Road is designated as a curvilinear Collector. North of McLaughlin Road, this classification provides for a 100 foot right-of-way allowing for 2 lanes of travel in each direction (11 and 12 foot travel lanes), a 10 foot left turn lane, an 8 foot shared bike/NEV lane or a 6 foot bike lane with 2 foot buffer in each direction, and a 14 foot parkway with 6 foot sidewalk on the west side of the roadway and a 14 foot parkway with an 8 foot meandering trail on the east side of the roadway.

South of McLaughlin Road, this classification provides for a 100 foot right-of-way allowing for 11 feet of travel in each direction, an 8 foot shared bike/NEV lane or a 6 foot bike lane with 2 foot buffer in each direction, a 10 foot left turn lane, a 21 foot parkway with 6 foot sidewalk on the west side of the roadway, and a 31 foot parkway with a 10 foot meandering trail on the east side of the roadway.

The Malaga Road Connector will continue along the southern boundary providing connection to Briggs Road. This segment of Matthews Road may be designated as a Collector providing an 80 foot right-of-way allowing 12 feet of travel in each direction, an 8 foot parking lane and 4 foot parkway on the south side of the road, and a 6 foot bike lane with 12 foot joint/trench parkway for existing utilities and easements, along with a 20 foot parkway that includes a 10 foot meandering trail on the northern side of the road.



### 3.0 Community Plan

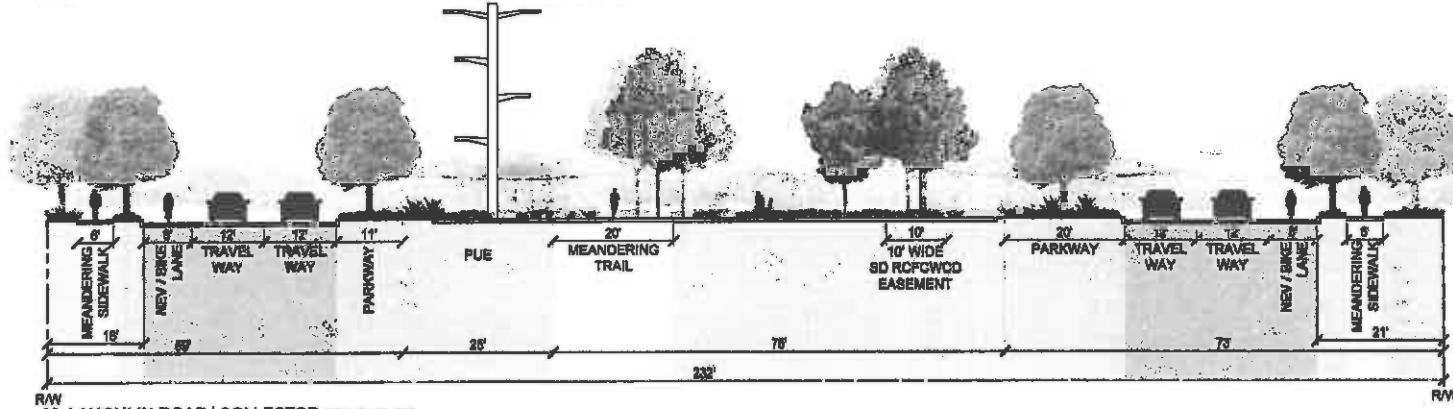
The Malaga Road Connector may also be designated as an optional 2-Lane Arterial providing an 80 foot right-of-way allowing 12 feet of travel in each direction with a striped 4 foot median, an 8 foot bike lane in each direction, a 4 foot parkway on the south side of the road, and a 12 foot joint/trench parkway for existing utilities and easements along with a 20 foot parkway that includes a 10 foot meandering trail on the northern side of the road. This option should only be used where there are no access points.

The Malaga Road Connector may also be designated as an optional 4-Lane Arterial providing an 80 foot right-of-way allowing for an 11 foot travel lane and 13 foot travel lane in each direction, a 4 foot parkway on the south side of the road, and an 8 foot joint/trench parkway for existing utilities and easements along with a 20 foot parkway that includes a 10 foot meandering trail on the northern side of the road. This option should only be used where there are no access points.

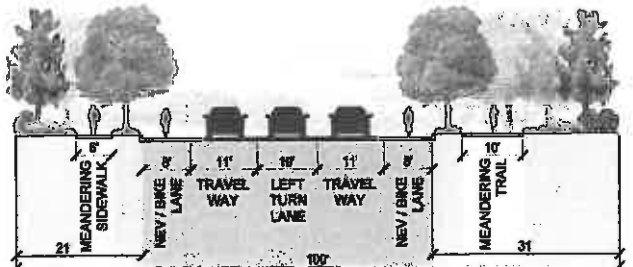




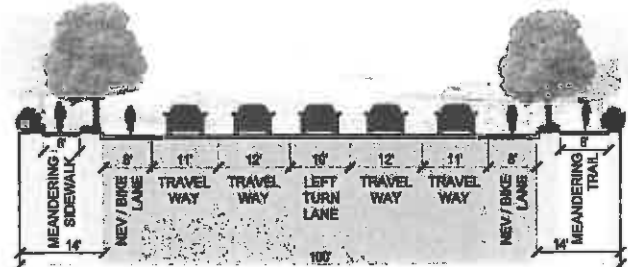
FIGURE 5A  
**SECTIONS: McLAUGHLIN ROAD AND MALAGA ROAD**



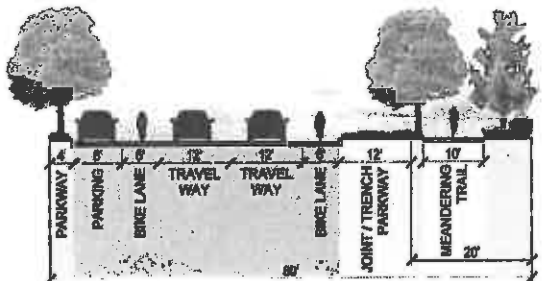
R/W  
 McLAUGHLIN ROAD | COLLECTOR SCALE: 1"=20'



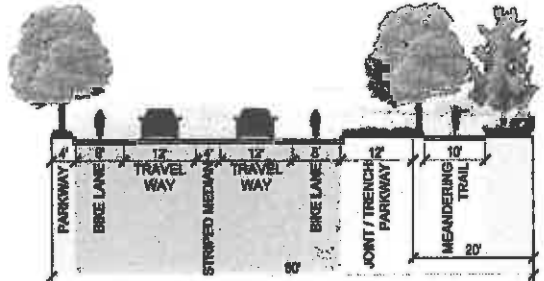
R/W  
 MALAGA ROAD - SOUTH | COLLECTOR SCALE: 1"=20'



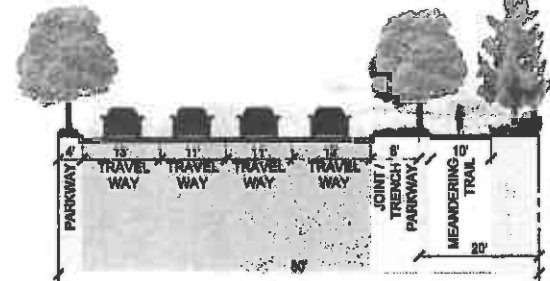
R/W  
 MALAGA ROAD - NORTH | COLLECTOR SCALE: 1"=20'



R/W  
 MALAGA ROAD CONNECTOR | COLLECTOR SCALE: 1"=20'



R/W  
 MALAGA ROAD | 2-LANE ARTERIAL OPTION SCALE: 1"=20'



R/W  
 MALAGA ROAD | 4-LANE ARTERIAL OPTION SCALE: 1"=20'



## 3.0 Community Plan

The following roadway streetscapes and cross-sections for perimeter roadways are described below and depicted below in **Figure 5B, Sections: State-Route 74, Menifee Road, and Briggs Road.**

### **State Route 74**

State Route 74 (SR-74) is classified a 6-lane Expressway, an Eligible State Scenic Highway, and Enhanced Landscape Corridor. This classification provides a 220 foot right-of-way.

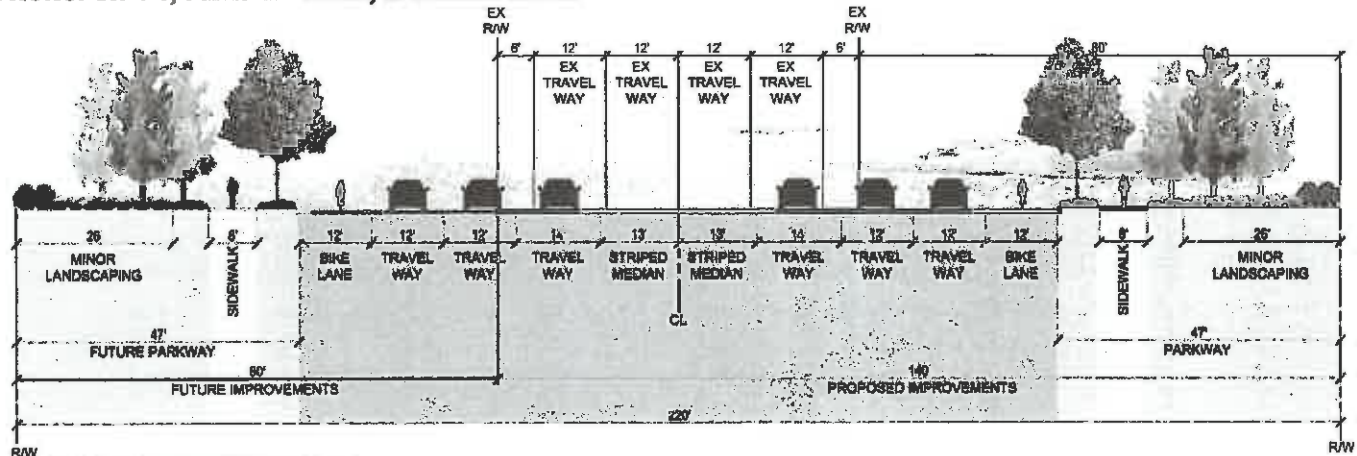
### **Menifee Road**

Menifee Road is a classified as a 6-lane Urban Arterial modified to 4-lane, an Eligible County Scenic Highway, and Enhanced Landscape Corridor. This classification provides a 152 foot right-of-way.

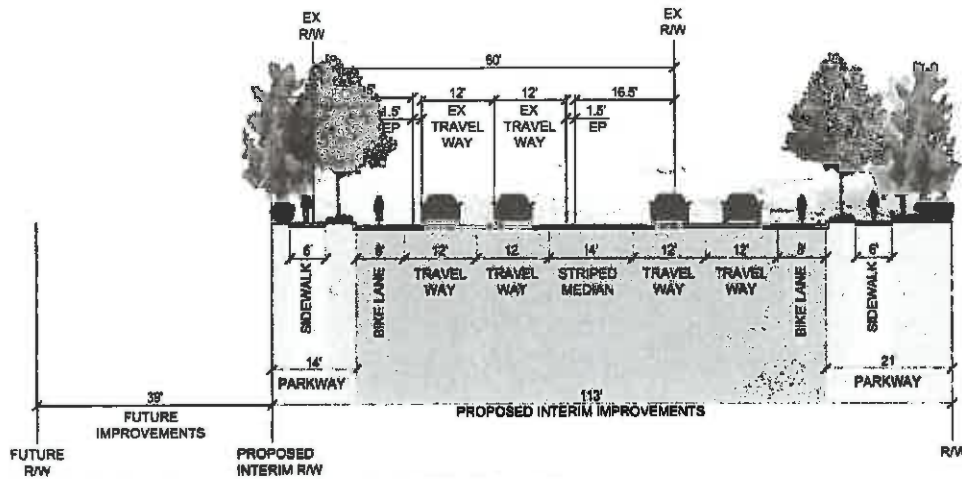
### **Briggs Road**

Briggs Road is a classified as 4-lane Major and an Enhanced Landscape Corridor. This classification provides a 128 foot right-of-way.

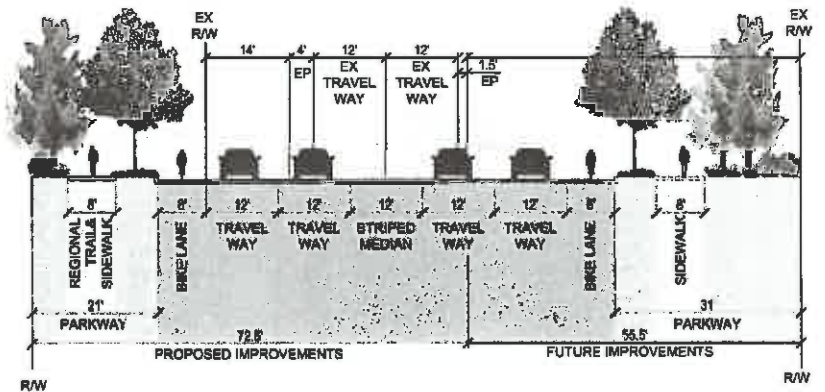
FIGURE 5B  
**SECTIONS: SR-74, MENEFEE ROAD, & BRIGGS ROAD**



SR-74 | 6-LANE EXPRESSWAY SCALE: 1"=20'



MENEFEE ROAD | 6-LANE URBAN ARTERIAL MODIFIED TO 4-LANE SCALE: 1"=20'



BRIGGS ROAD | 4-LANE MAJOR SCALE: 1"=20'

## 3.0 Community Plan

The following roadway streetscapes and cross-sections for internal roadway networks within planning areas are described below and depicted below in **Figure 5C, Sections: Collector Streets, Local Streets, and Alleys**.

### Neighborhood Streets

Neighborhood Streets will be designed as Collector level streets. This classification provides a 62 to 68 foot right-of-way allowing for 20 to 24 feet of travel lanes, 8 to 10 feet of parking in each direction, an 8 foot multi-use path with 5.5 to 6.5 feet of parkway on one side of the roadway and a 5 foot public utility easement on the other side of the roadway along with a 5 foot sidewalk and 5.5 to 6.5 foot parkway.

### Local Streets

Local streets will provide access within each Planning Area and to individual lots within each Planning Area. This classification provides a 56 foot right-of-way allowing for a 10 foot travel lane in each travel direction along with a 5 foot sidewalk, 5 foot parkway, and 8 foot parking lane on each side of the roadway.

### Alleys

Alleys will provide access within each Planning Area to individual lots that are designed as part of attached living units. Alleys will provide a 20 to 24 foot right of way for 4-plex developments and a 24 to 26 foot right of way for 6-plex developments.

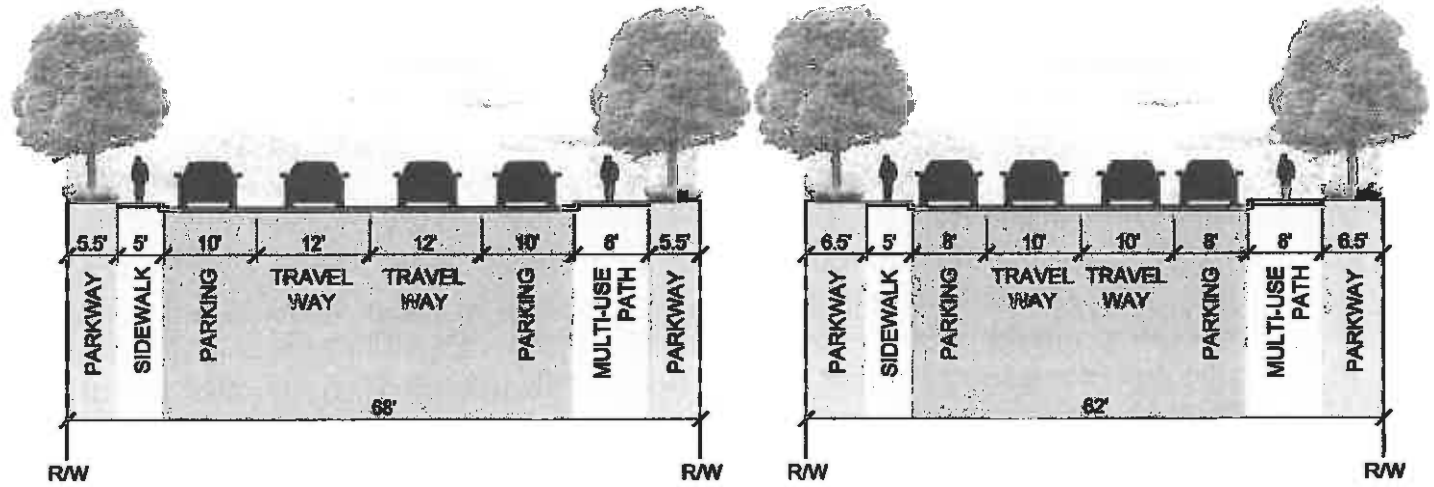
### 3.2.4 Intersection Concepts

Interconnecting pedestrian friendly sidewalks and walking trails that connect neighborhoods and communities are an important part of the Plan. **Figures 6A to 6C, Intersection Concepts**, provide conceptual depictions of typical intersection details at the following major intersections: 1) Malaga Road/McLaughlin Road, 2) Neighborhood Streets/McLaughlin Road, 3) McLaughlin Road/Meniffee Road, 4) McLaughlin Road/Briggs Road, and 5) SR-74/Malaga Road. These concepts reflect important ideas about how the pedestrian and vehicular network will work together.



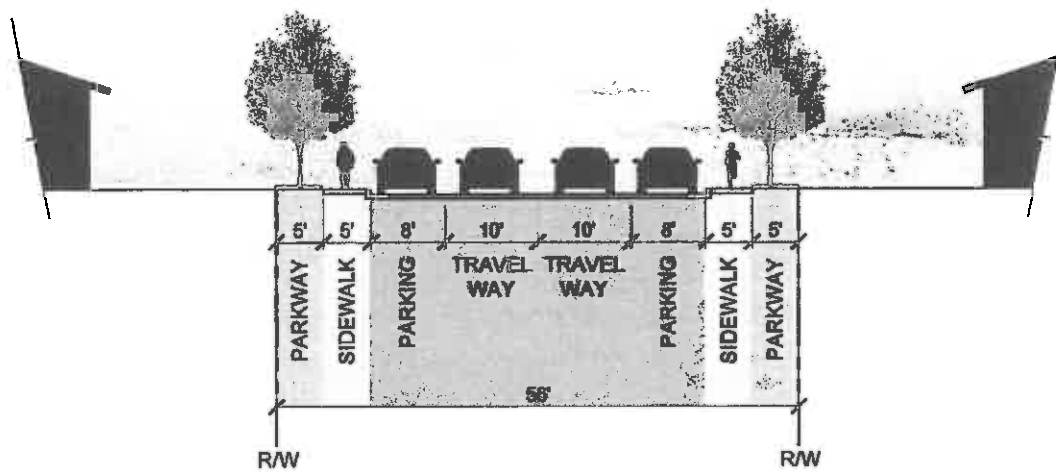
FIGURE 5C

**SECTIONS: NEIGHBORHOOD, LOCAL, & ALLEY**

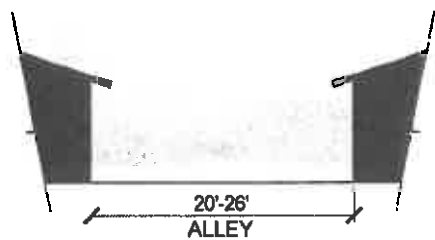


**NEIGHBORHOOD STREET**  
SCALE: 1"=20'

**NEIGHBORHOOD STREET | PREFERRED**  
SCALE: 1"=20'

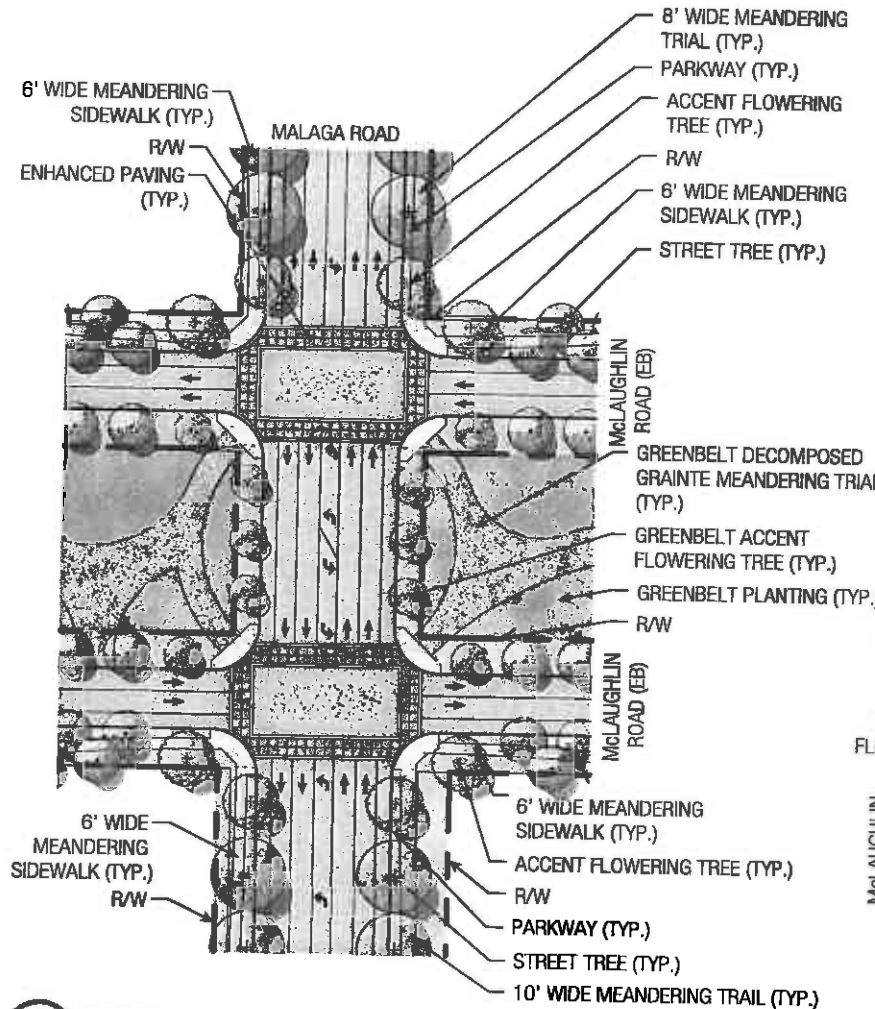


**LOCAL STREET | SCALE: 1"=20'**

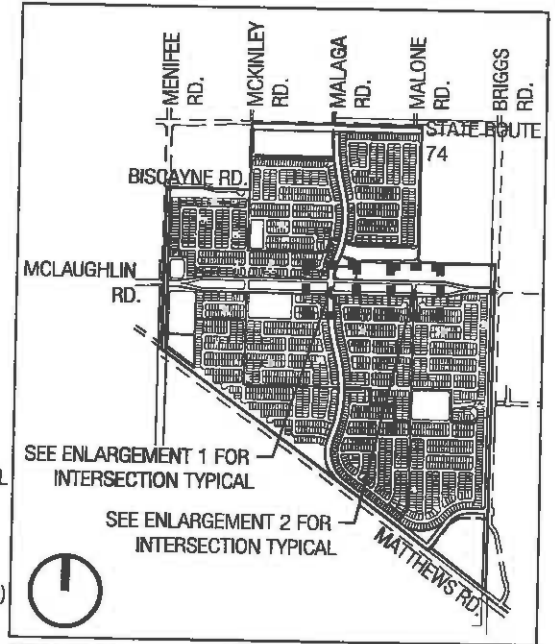


**ALLEY | SCALE: 1"=20'**

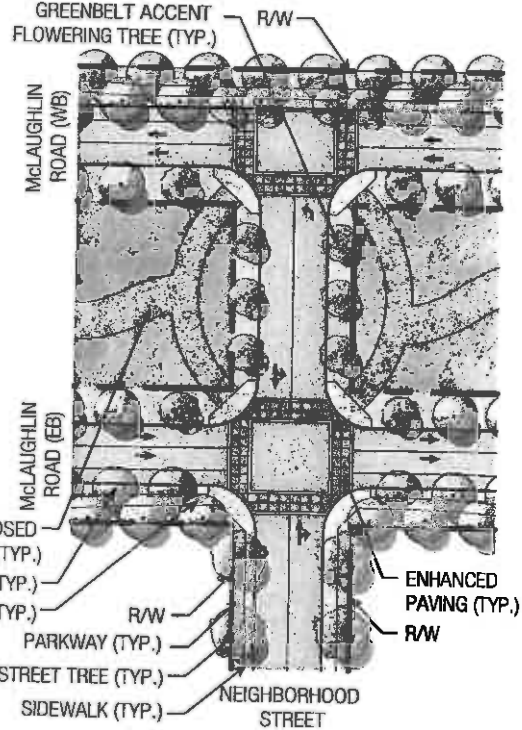
# FIGURE 6A INTERSECTION CONCEPTS



**1**  
**A** TYPICAL INTERSECTION | MALAGA RD. & MCLAUGHLIN RD.  
SCALE: 1"=100'



**KEY MAP**  
SCALE: 1"=3000'

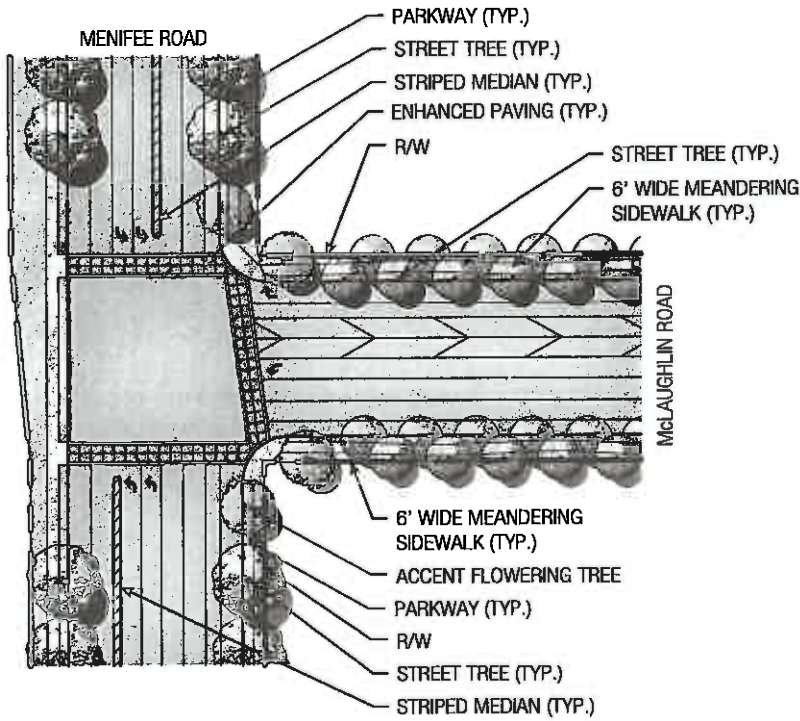


**2**  
**A** TYPICAL INTERSECTION | NEIGHBORHOOD ST. & MCLAUGHLIN RD.  
SCALE: 1"=100'

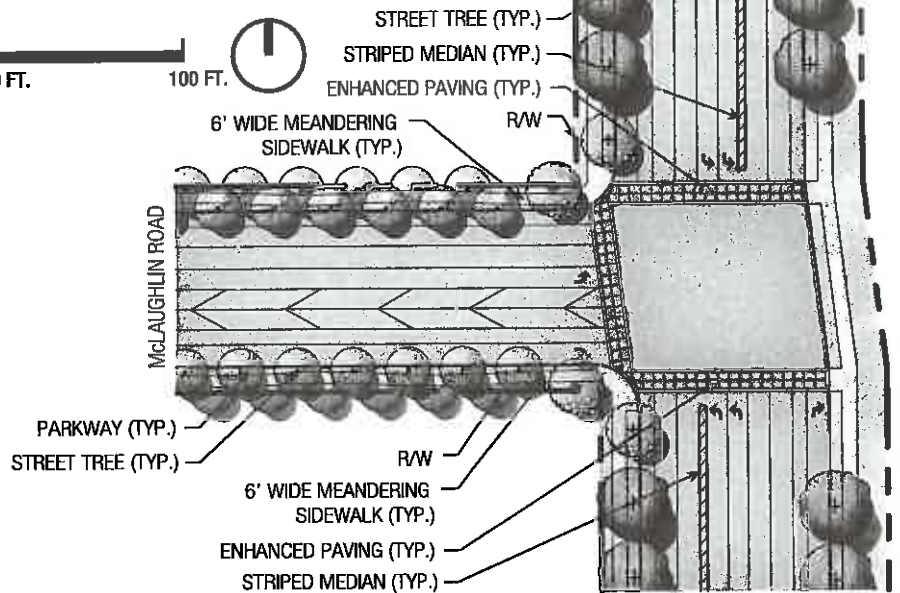




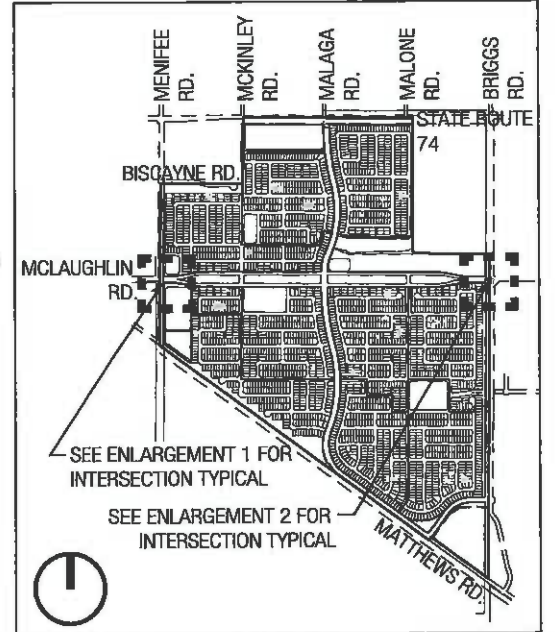
**FIGURE 6B  
INTERSECTION CONCEPTS**



**1**  
**B** TYPICAL INTERSECTION | MENIFEE RD. & McLAUGHLIN RD.  
SCALE: 1"=100'

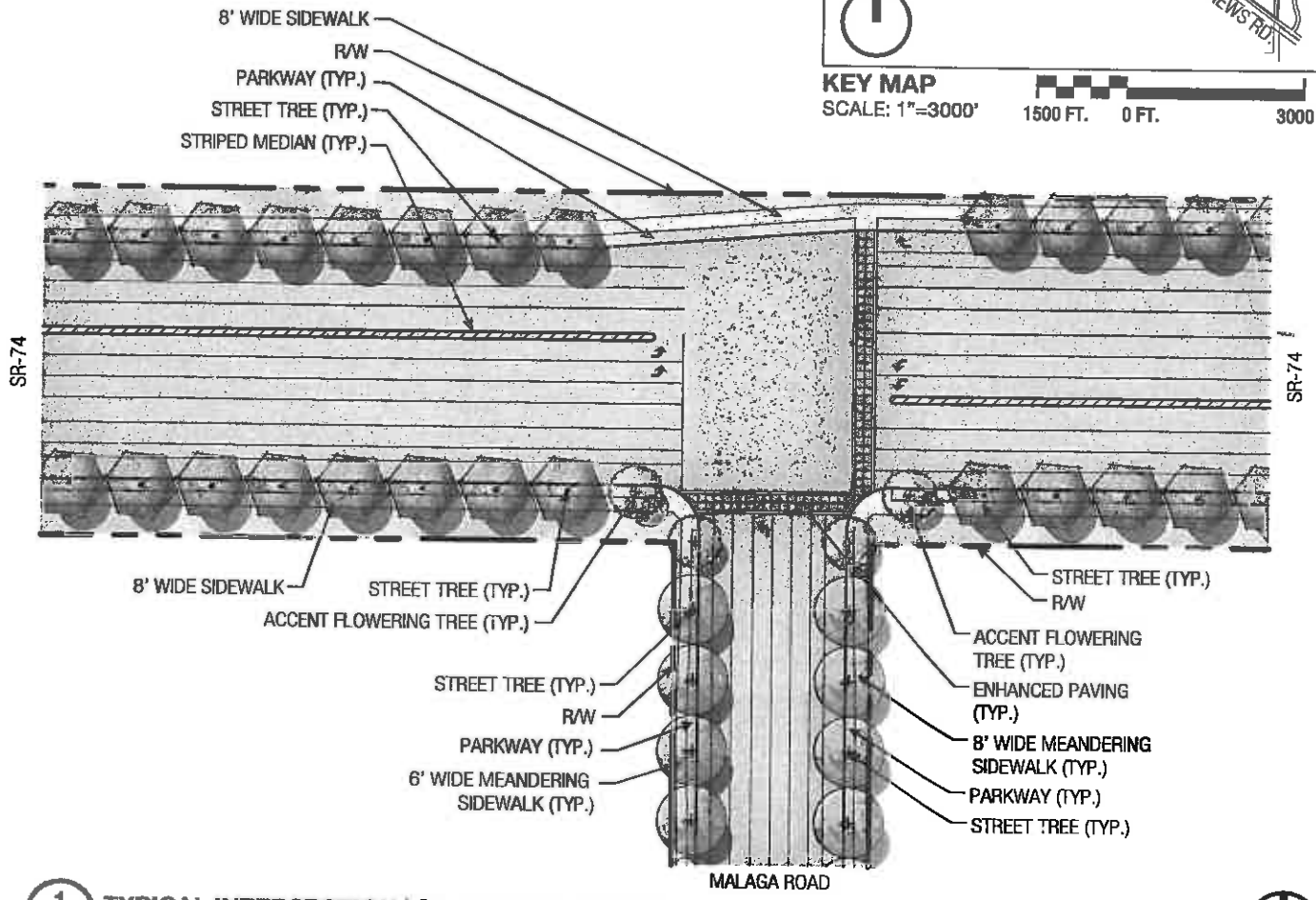
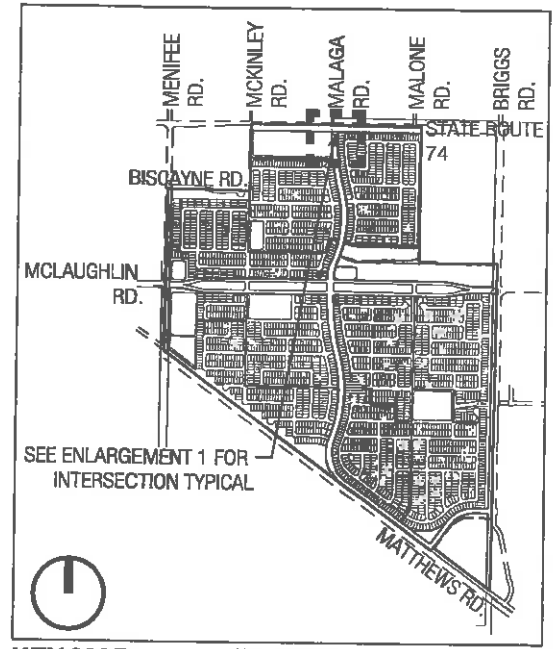


**2**  
**B** TYPICAL INTERSECTION | BRIGGS RD. & McLAUGHLIN RD.  
SCALE: 1"=100'



**KEY MAP**  
SCALE: 1"=3000'  
1500 FT. 0 FT. 3000 FT.

**FIGURE 6C**  
**INTERSECTION CONCEPTS**



**1/C** TYPICAL INTERSECTION | SR-74 & MALAGA RD.  
SCALE: 1"=100'



### 3.2.5 Non-Vehicular Circulation Plan

Menifee Valley will contain a comprehensive sidewalk, bike lane, and trail system that will connect neighborhoods to parks, amenity areas, neighborhood commercial and civic facilities. The Plan will provide for pedestrian, cyclist, and neighborhood electric vehicle (NEV) movement to allow connectivity through the site. The non-vehicular network ensures that residents will have opportunities to walk, bike, and jog in different settings.

#### Bike/NEV Lanes

Neighborhood electric vehicles (NEVs) and golf carts are utilized for short trips because they are low cost, energy efficient with zero emissions, and have speed capabilities capped at a maximum of 25 miles per hour (mph). These types of vehicles may operate on

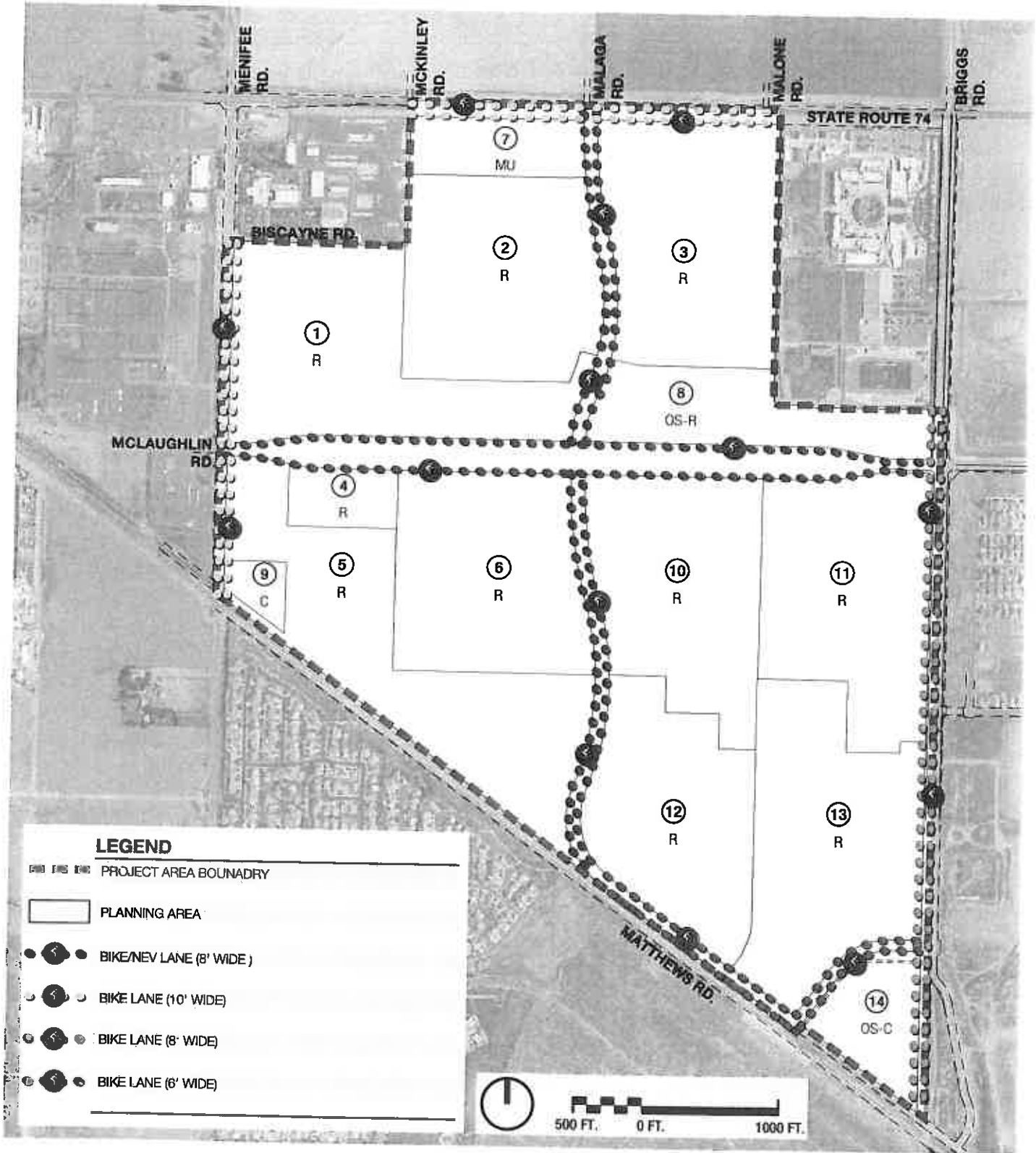


any roadway within the City that has a posted speed limit of 35 mph or less, unless specifically prohibited by an adopted NEV plan, and are permitted to operate in separate lanes on roads with posted speed limits greater than 35 mph within an approved NEV plan. The inclusion of NEVs in the Menifee Valley Specific Plan is consistent with the Circulation Element of the City's General Plan. Shared Use Roadways may be signed as Class III routes on two-lane roadways with speed limits of 35 mph or less or NEV/Bike lanes on roadways with speed limits greater than 35 mph. The purpose of Shared Use Roadways are to support the usage of these low speed NEVs and golf carts by creating interconnected low speed routes and preventing driver confusion as to where these vehicles may be safely operated. Circulation improvements within the Plan include but are not limited to partial improvements to Menifee and Briggs Roads, and improvements to McLaughlin and Malaga Roads.

Class II bike lanes will be provided within the right-of-way along Malaga Street and McLaughlin Road in each direction of travel. An 8 foot Class II Bike/NEV lane will provide for a 6 foot wide striped lane with 2 foot buffer for one-way travel. The Bike/NEV lane is designed for bike use only and helps link Menifee Valley residents various community amenities. **Figure 7, Bike/NEV Circulation Plan** reflects these connections throughout the Plan.



**FIGURE 7**  
**BIKE/NEV CIRCULATION PLAN**





### 3.3 Open Space and Recreation Plan

Menifee Valley is located within proximity of several regional recreational facilities including Lake Perris State Recreational Area (about 9 miles north to the north), Roy W. Kaban Memorial Park (about 6 miles west to the west), and Skinner Reservoir, also known as Lake Skinner (about 10 miles to the south). There are also a number of public parks and recreational facilities located within the City including the Marion V. Ashley Park and Community Center, Eller Park, McCall Canyon Park, and Rancho Ramona Park; all which are in close proximity to the plan. Additionally, the Plan is located immediately north of the Heritage Lake master planned community which devotes approximately 168 acres of open space, lake, parks, paseos and greenbelts areas. Located immediately east of Menifee Valley is Mountain Gate which contains approximately 10 acres of planned park land.

As depicted in **Figure 8, Conceptual Open Space and Recreation Plan**, a distinguishing feature of the community is the variety of open space, greenbelts, and amenity areas that will be provided to for the Menifee Valley community, as well as to the surrounding residents. The Open Space and Recreation Plan establishes a community-wide system of open space land and amenity areas important to the Plan's goal of preserving important resources while contributing to a high quality living environment for future residents.

#### 3.3.1 Active Recreation

##### Park Areas

Park areas within the Plan shall develop in accordance with the City's park standards and guidelines pursuant to Municipal Code Chapters 9.86 and 15.04. Planning Area 5 is designated as Open-Space Recreation is planned for active recreation to provide amenities to the community meeting the City's



park requirements for recreational amenities. A potential jurisdictional feature runs east and west through this planning area. Jurisdictional features contain important vegetation and habitat that shall not be disturbed. Any areas identified as jurisdictional shall remain in their natural state with no improvements unless otherwise determined by resource agencies that avoidance is not feasible or agree to a biologically equivalent or better alternative. Parks will also provide for Universally Accessible facilities providing activities and amenities that promote a higher level of inclusive play regardless of abilities or age.

## 3.0 Community Plan

Recreational amenities within park areas may include but are not limited to:

- athletic and multipurpose courts and fields
- BBQ's
- comfort stations
- fitness stations
- irrigation
- par course equipment
- parking areas
- paved walkways and mow curbs
- pet waste stations
- picnic shelters
- plantings and trees
- play areas
- playground equipment
- playgrounds and equipment (including tot lots)
- restrooms
- rolling turf areas
- sensory play areas
- shade structures
- shade tree plantings
- signage
- site furniture
- sport lighting
- sport netting
- sports courts
- trails
- trash enclosures
- turf grass; synthetic turf
- walls and fences
- water features and splash pads





## 3.0 Community Plan

### Amenity Areas

The Plan will allow for development of both major and minor amenity areas throughout the site. While development of minor amenities are primarily intended to provide for outdoor space they but may include some small amounts of indoor space. A major amenity is planned to develop for the Active-Adult community as well as one within the All-Age community. It is anticipated that only the major amenities will include indoor amenities.

**All-Age Community.** Within the All-Age Community, the Plan will allow for development of an approximately 6.5 acre major amenity (Village Green) and two 2-acre private minor amenity areas. The proposed All-Age amenity areas may include structures that include:

- multi-purpose room(s)
- pools and spas
- restrooms
- BBQ's
- shade structures
- playground equipment



**Active-Adult Community.** Within the Active-Adult Community, the Plan will allow for development of an approximate 6.5 acre major amenity (Active Adult Green) and minor private amenities. The proposed Active-Adult recreation center is anticipated to consist of structures which may include:

#### Indoor Features

- indoor meeting rooms
- flex spaces
- reception areas
- fitness rooms
- office and storage space
- restrooms

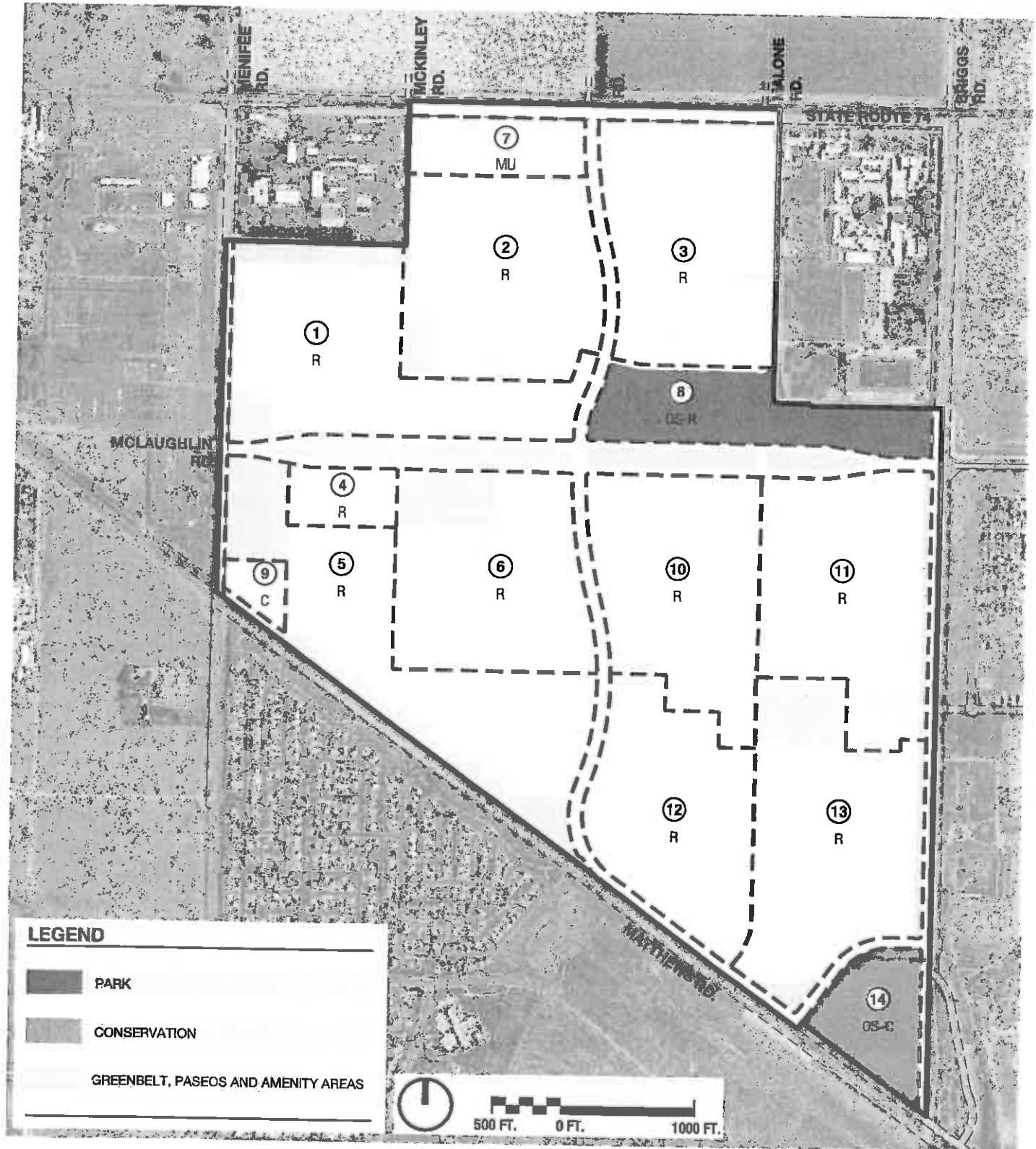
#### Outdoor Features

- pools
- lounge areas
- shade structures
- spas
- BBQ's
- Trails and walkways



FIGURE 8

# CONCEPTUAL OPEN SPACE AND RECREATION PLAN



### 3.3.2 Passive Recreation

Passive recreational areas will be provided through the community through a series of greenbelts, paseos, and pedestrian connections.

#### **Paseos & Greenbelts**

**Paseos.** Paseos are open space areas designed for walking or gathering. A number of paseo areas will be incorporated throughout the plan to allow for trails and community gathering.



**Greenbelts.** Greenbelts provide beauty and links to nature. With a public utility corridor bisecting the Project site along McLaughlin Road, a major constraint in developing the roadway exists. This area contains an existing Southern California Edison (SCE) easement for transmission lines and existing transmissions, easements for Riverside County Flood Control storm drain facilities, Eastern Municipal Water District (EMWD) water and sewer line facilities as well as other existing facilities. In other words, the constraints within McLaughlin Road would ordinarily leave the community with an unsightly thoroughfare. However, McLaughlin Road as a planned Collector Road, will develop as a grand boulevard with an enlarged center median allowing for a green belt that aligns with the utility corridor to help beautify and distract from the existing facilities, provide for pedestrian access and crossings as necessary, and provide protection to the infrastructure facilities within these easements by allowing for access to these facilities for maintenance and repair. The roadway will be split allowing travel lanes north and south of the public utility corridor and greenbelt area. McLaughlin



Road will be designed with a 246 foot right-of-way and may include parkways, walkways, and Bike/NEV lanes as reflected in **Figures 9A to 9E, McLaughlin Conceptual Greenbelt**, below. This greenbelt area may include amenities such as fitness stations, seating areas, trails, shade structures, open turf areas, and landscaping as permitted and approved by all public entities holding easements in this area.

## 3.0 Community Plan

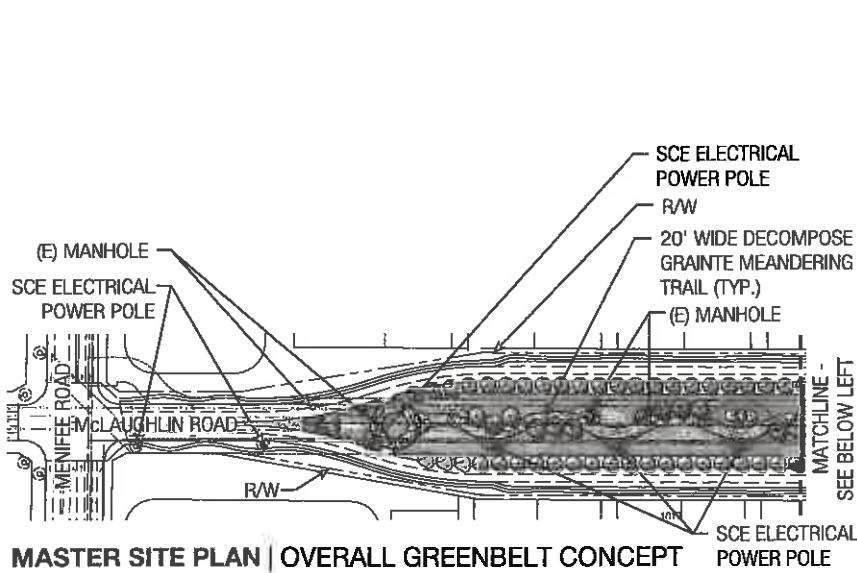
Along the southern boundary of Menifee Valley at Matthews Road, lies a series of public facility and utility easements, and an existing rail line. While the rail line is currently inactive, Riverside County Transportation Commission has expressed plans to re-activate this line for future expansion to provide connection to the San Jacinto Valley. There are also a number of easements and existing facilities including an SCE easement for transmission lines and existing poles, easements for Riverside County Flood Control storm drain facilities, EMWD easements and water and sewer facilities, and other existing utility provider facilities. A Regional Trail connection is also planned for this area. A segment of Matthews Road will connect Malaga Road to Briggs Road. However, the segment of Matthews west of this connection to Menifee Road will not be improved as part of the vehicular network so is planned as a conceptual greenbelts providing for pedestrian trails and crossings as necessary as reflected in **Figure 10, Conceptual Southern Greenbelt**. This will also allow for access to the existing facilities for maintenance and repair. A pedestrian crossing may be needed to connect pedestrians utilizing the southern greenbelt to the trail on the northern side of Matthews Road that will ultimately connect to the Briggs Road trail. Exact location of such connection is not known at this time. This greenbelt area may include amenities such as fitness stations, seating areas, trails, shade structures, open turf areas, and landscaping as permitted and approved by all public entities holding easements in this area.



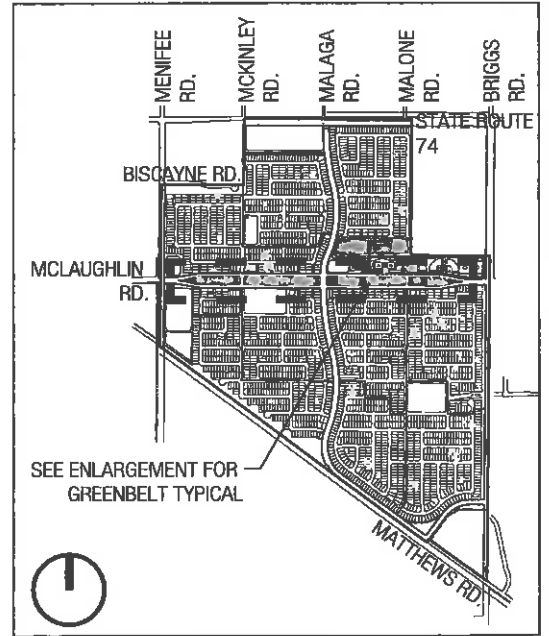


FIGURE 9A

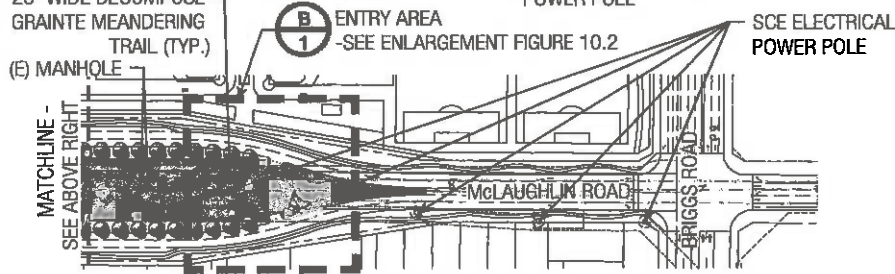
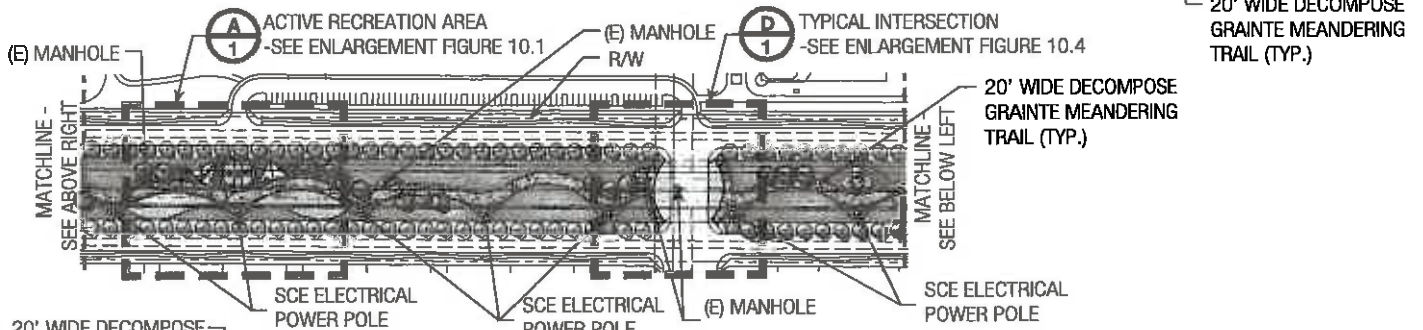
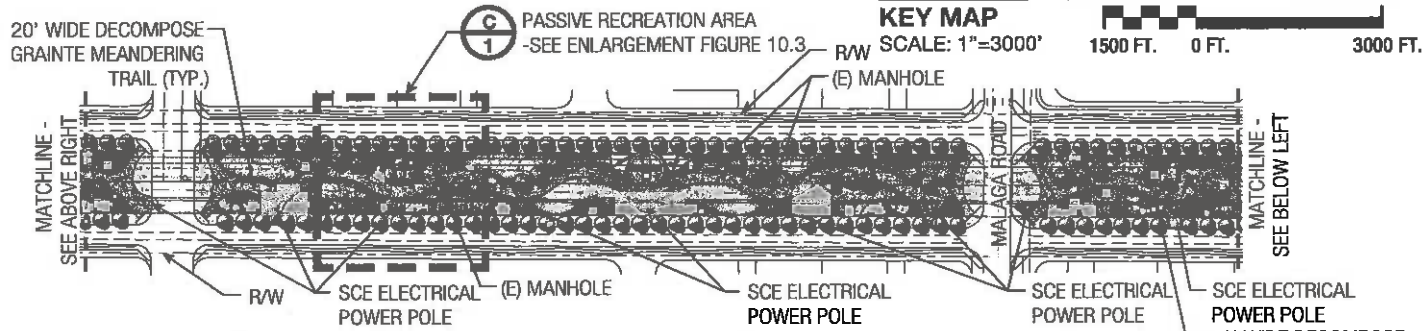
**CONCEPTUAL MCLAUGHLIN GREENBELT**



**MASTER SITE PLAN | OVERALL GREENBELT CONCEPT**  
SCALE: 1"=300'

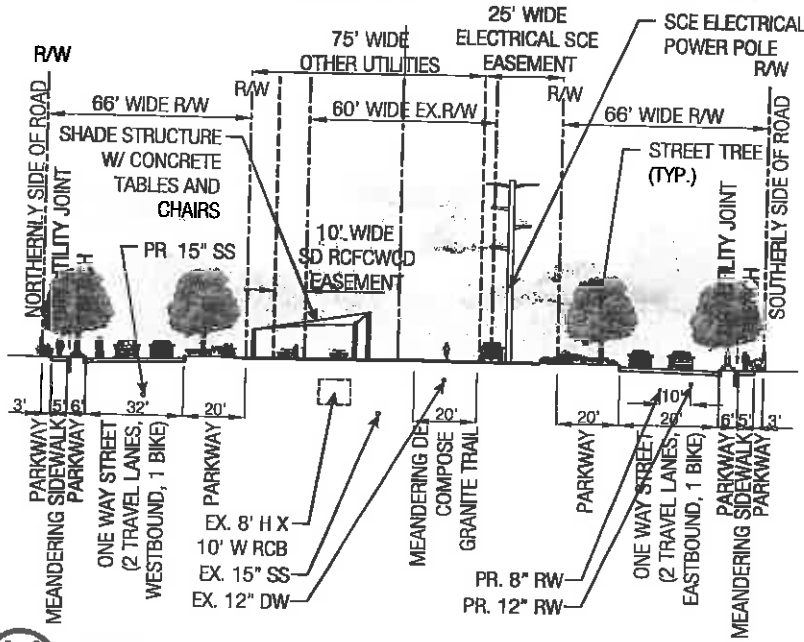


**KEY MAP**  
SCALE: 1"=3000'  
1500 FT. 0 FT. 3000 FT.

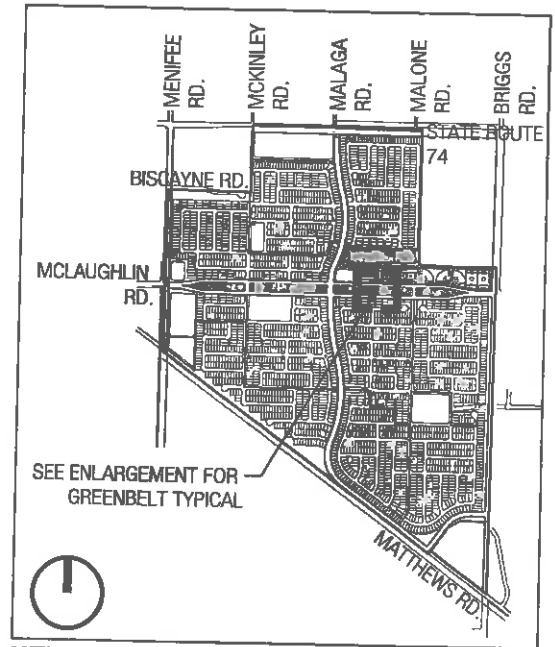


150 FT. 0 FT. 300 FT.

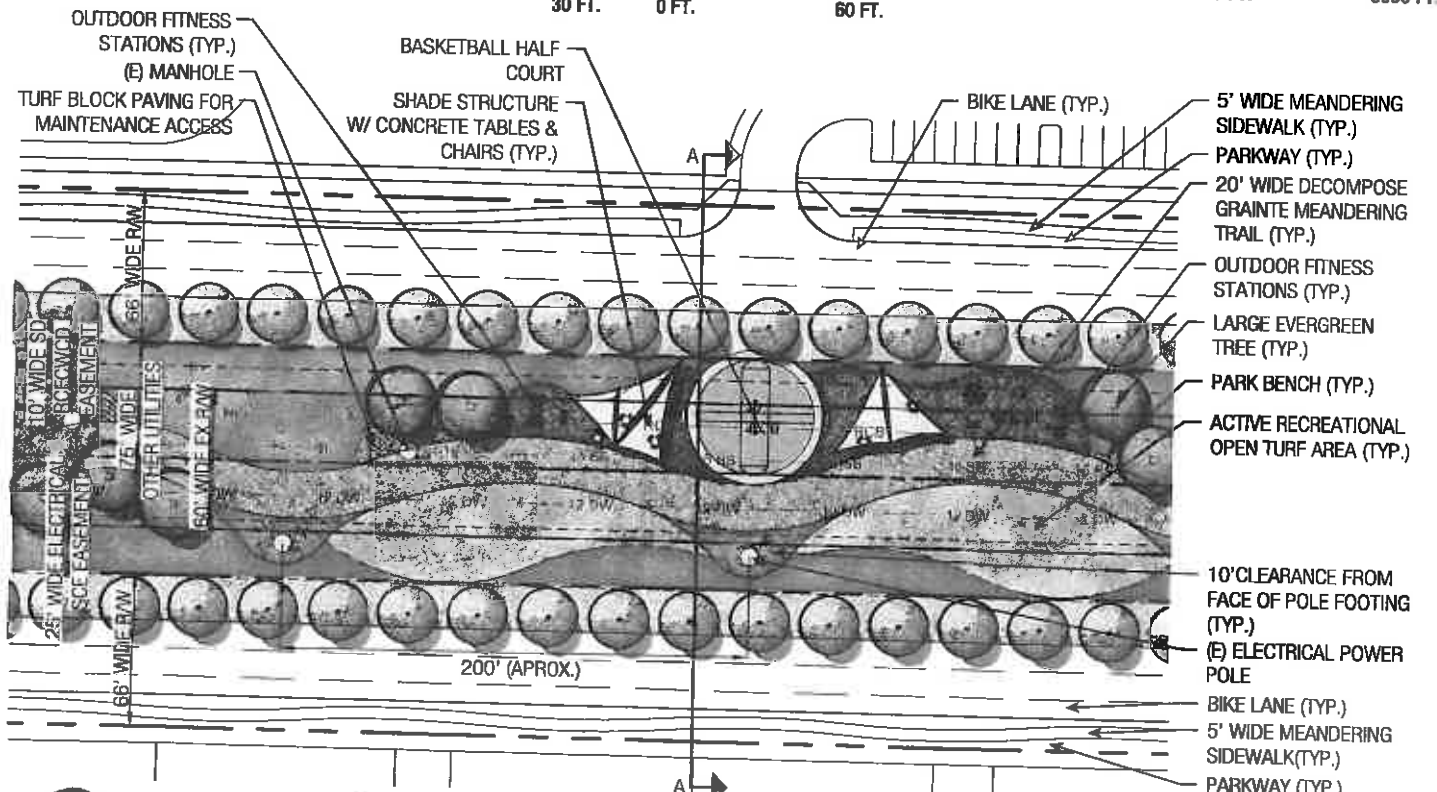
**FIGURE 9B**  
**CONCEPTUAL MCLAUGHLIN GREENBELT**



**A-A**  
**SECTION A-A | ACTIVE RECREATION AREA**  
 SCALE: 1"=60'



**KEY MAP**  
 SCALE: 1"=3000'  
 1500 FT. 0 FT. 3000 FT.



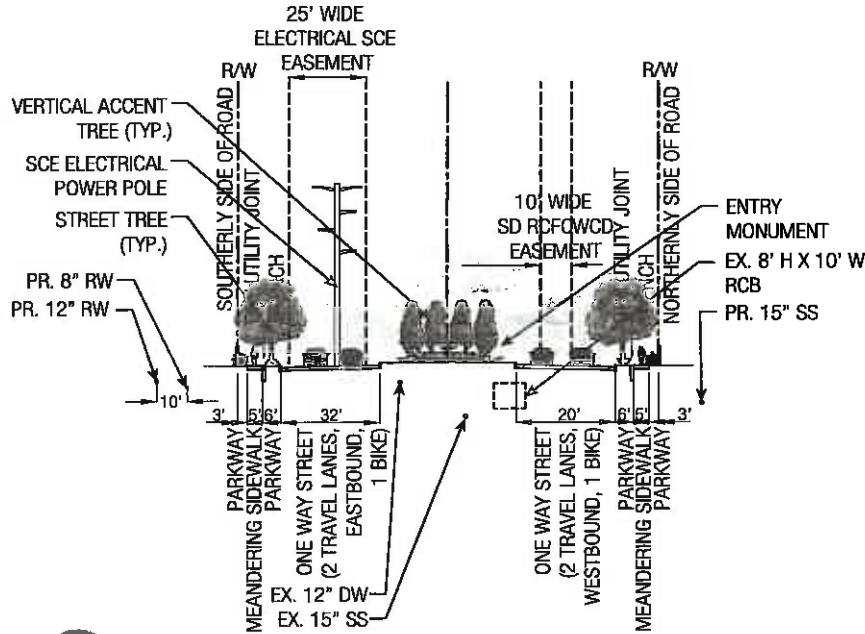
**A**  
**ENLARGEMENT A | ACTIVE RECREATION AREA**  
 SCALE: 1"=80'



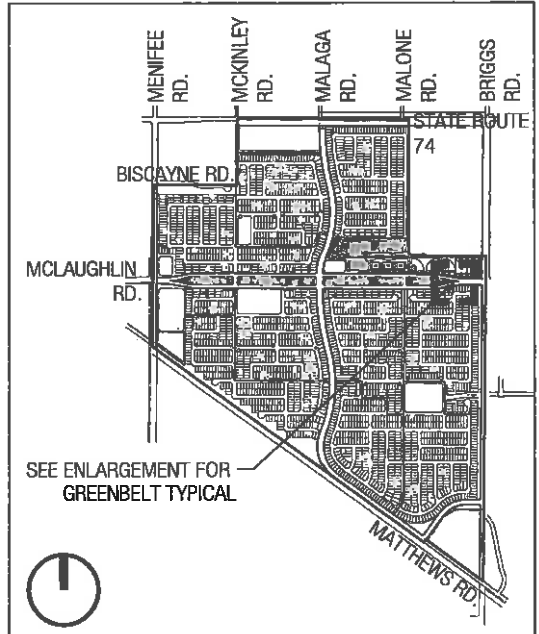
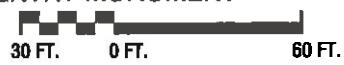


FIGURE 9C

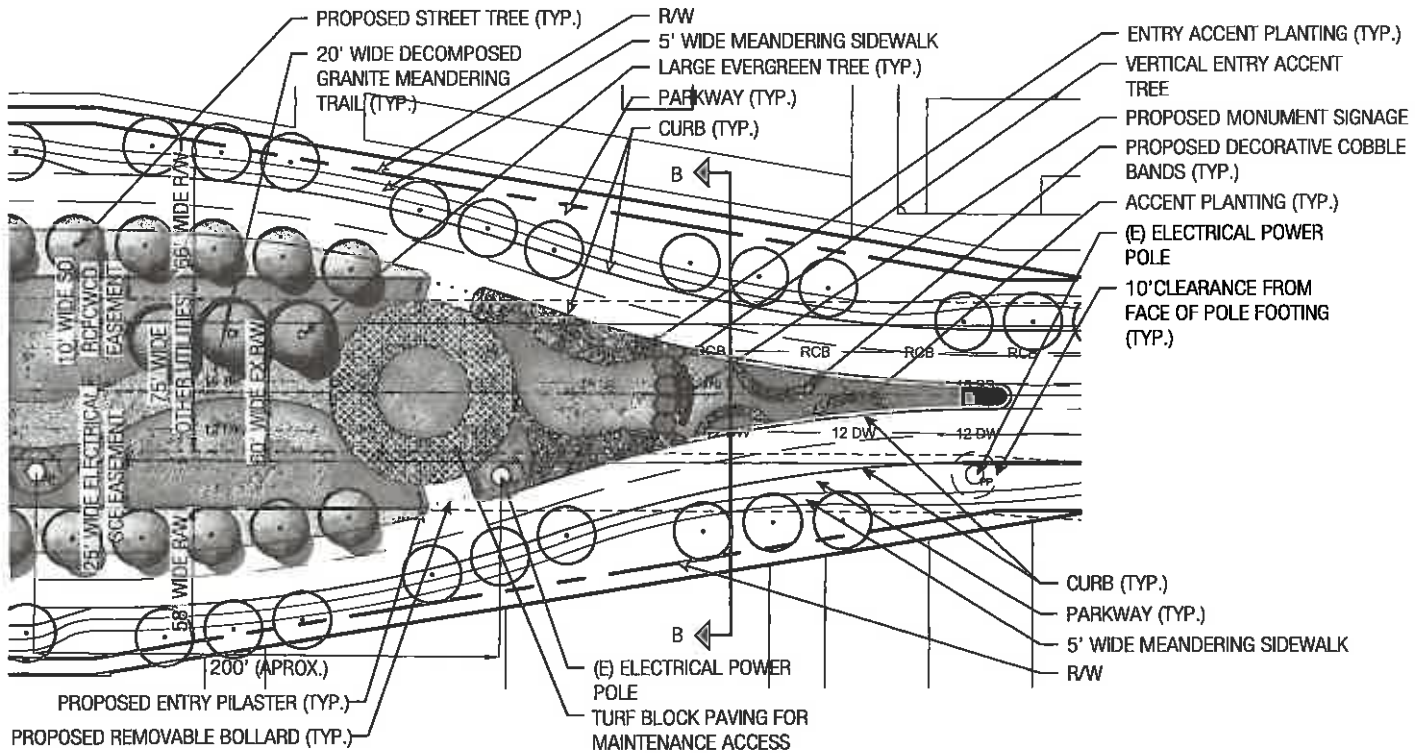
CONCEPTUAL MCLAUGHLIN GREENBELT



**B-B**  
1  
ELEVATION B-B | McLAUGHLIN ENTRY MONUMENT  
SCALE: 1"=60'



KEY MAP  
SCALE: 1"=3000'  
1500 FT. 0 FT. 3000 FT.

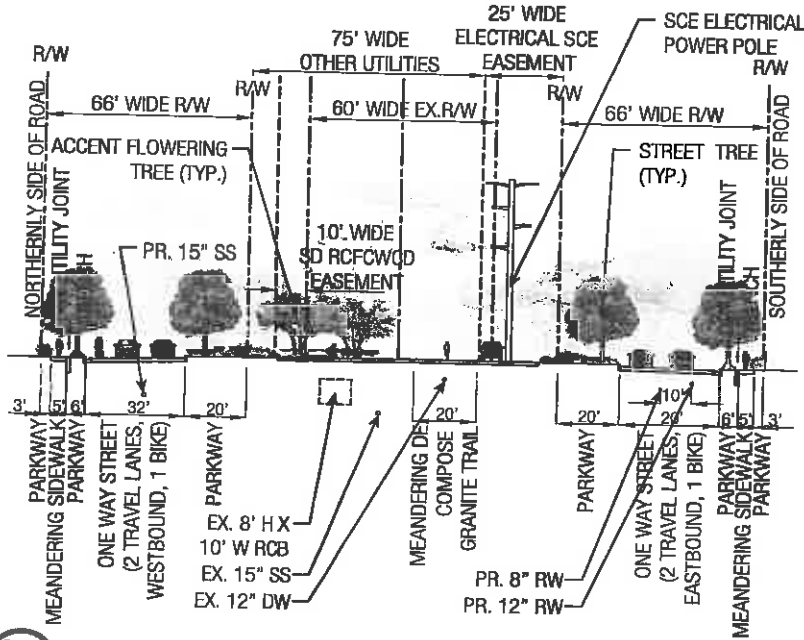


**B**  
1  
ENLARGEMENT B | McLAUGHLIN ENTRY AREA  
SCALE: 1"=80'

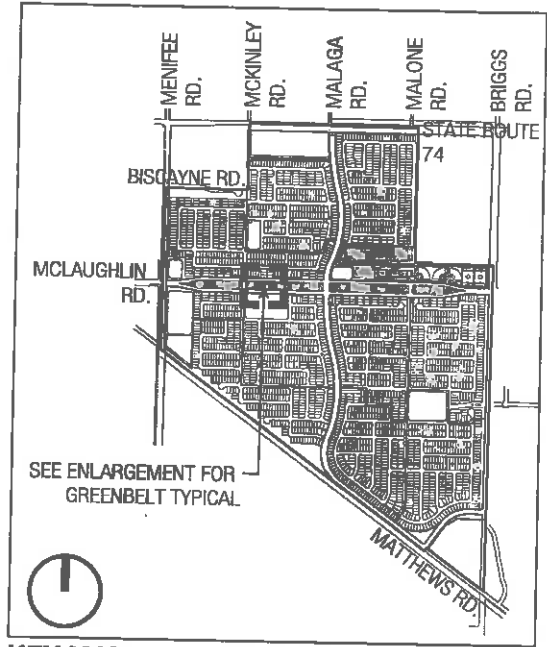


FIGURE 9D

**CONCEPTUAL MCLAUGHLIN GREENBELT**

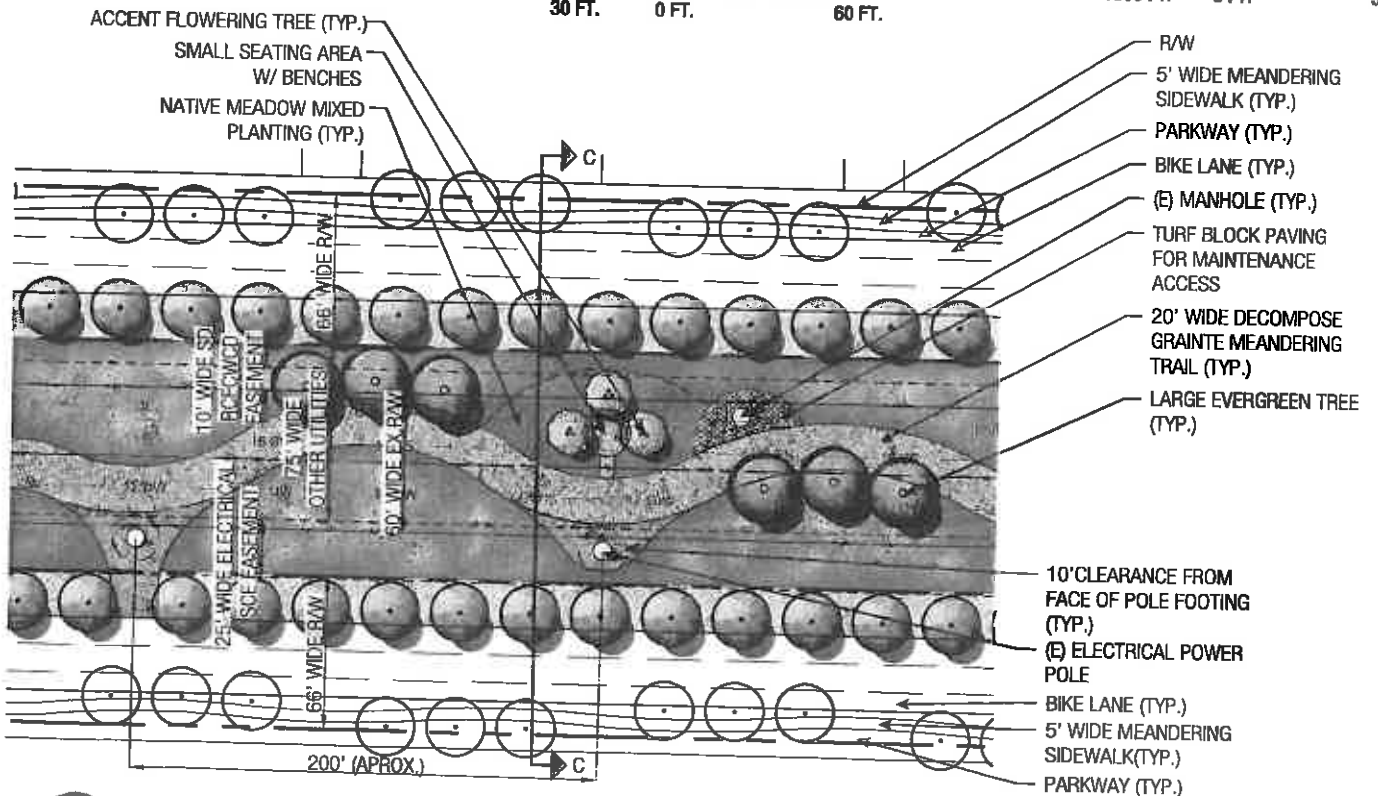


**C-C**  
**1** SECTION C-C | PASSIVE RECREATION AREA  
SCALE: 1"=60'



**KEY MAP**

SCALE: 1"=3000' 1500 FT. 0 FT. 3000 FT.

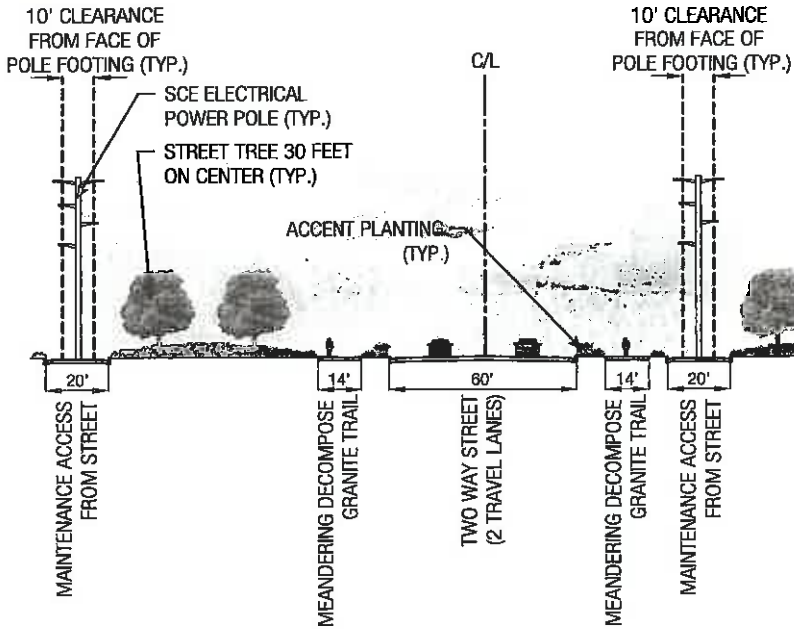


**C**  
**1** ENLARGEMENT C | PASSIVE RECREATION AREA ENLARGEMENT  
SCALE: 1"=80'



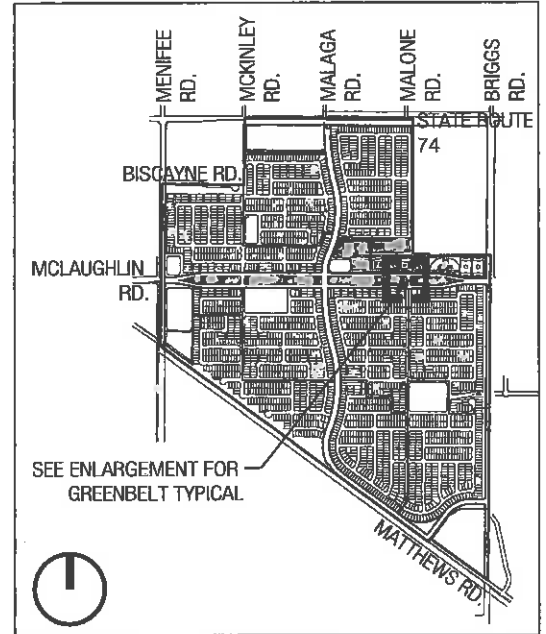
FIGURE 9E

**CONCEPTUAL MCLAUGHLIN GREENBELT**



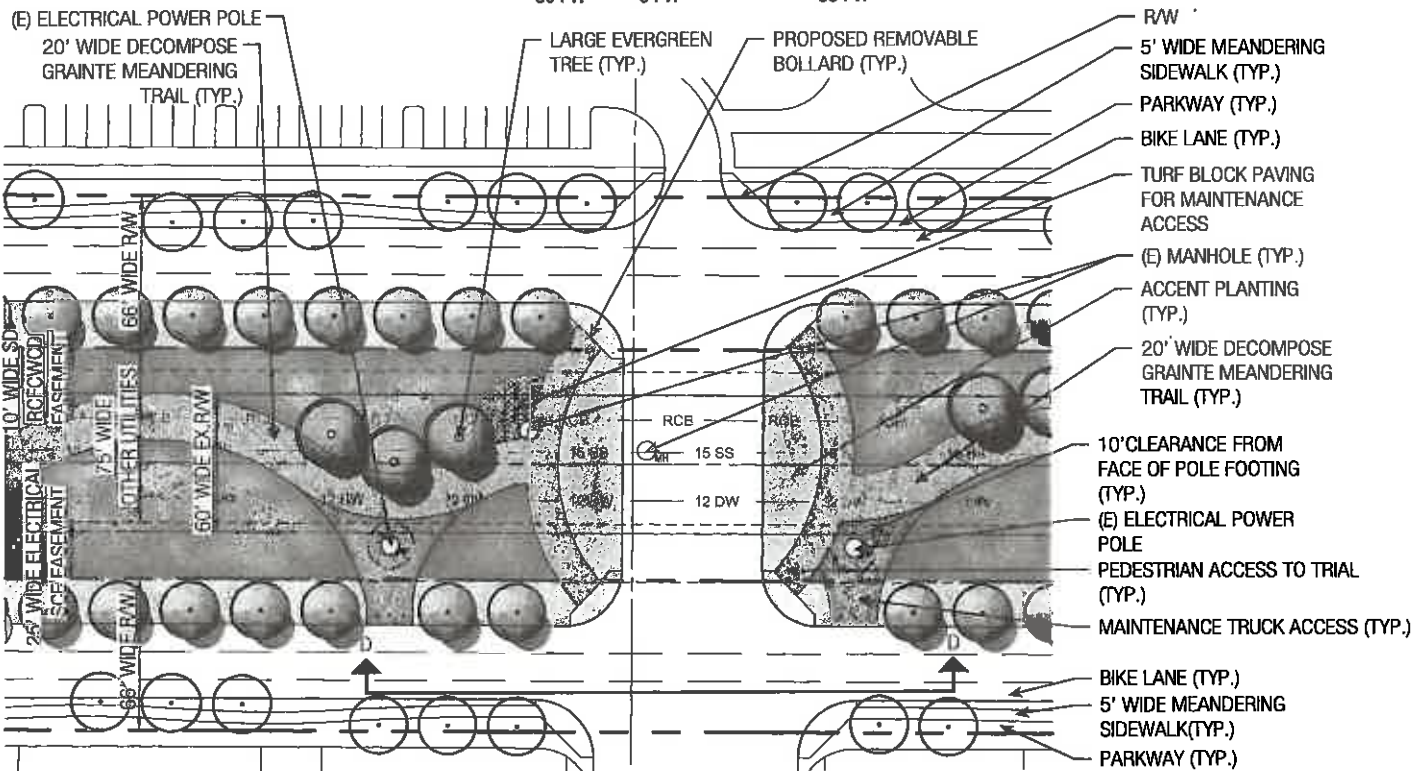
**ELEVATION D-D | TYPICAL INTERSECTION**

SCALE: 1"=60'



**KEY MAP**

SCALE: 1"=3000'

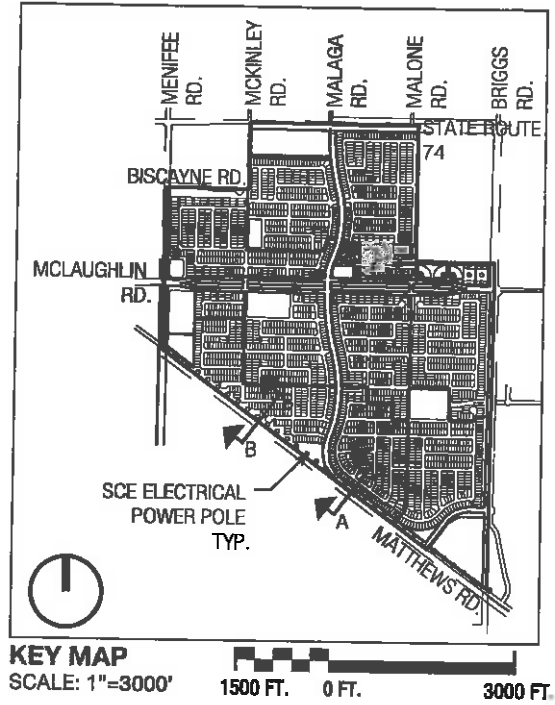
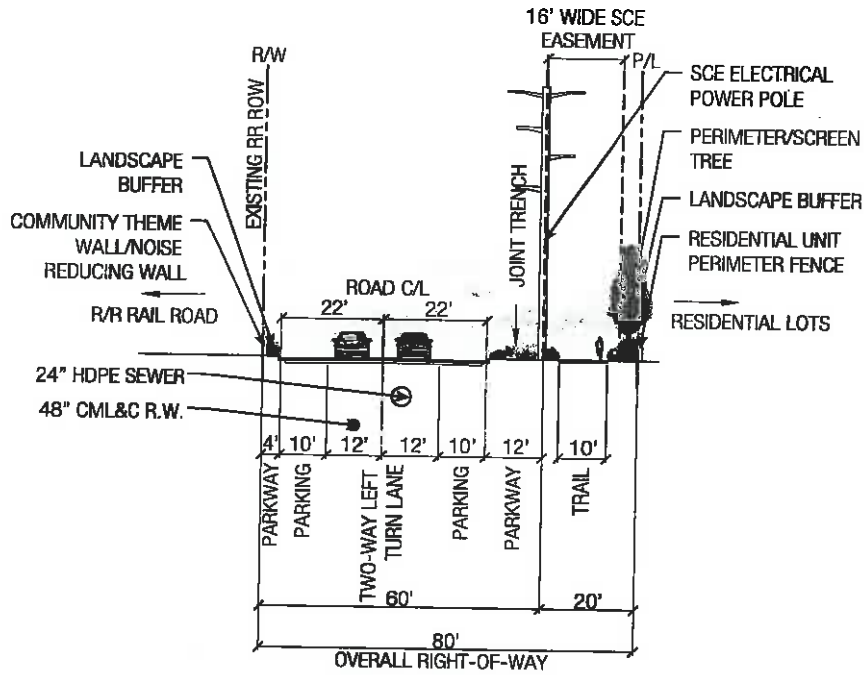


**ENLARGEMENT C | TYPICAL INTERSECTION ENLARGEMENT**

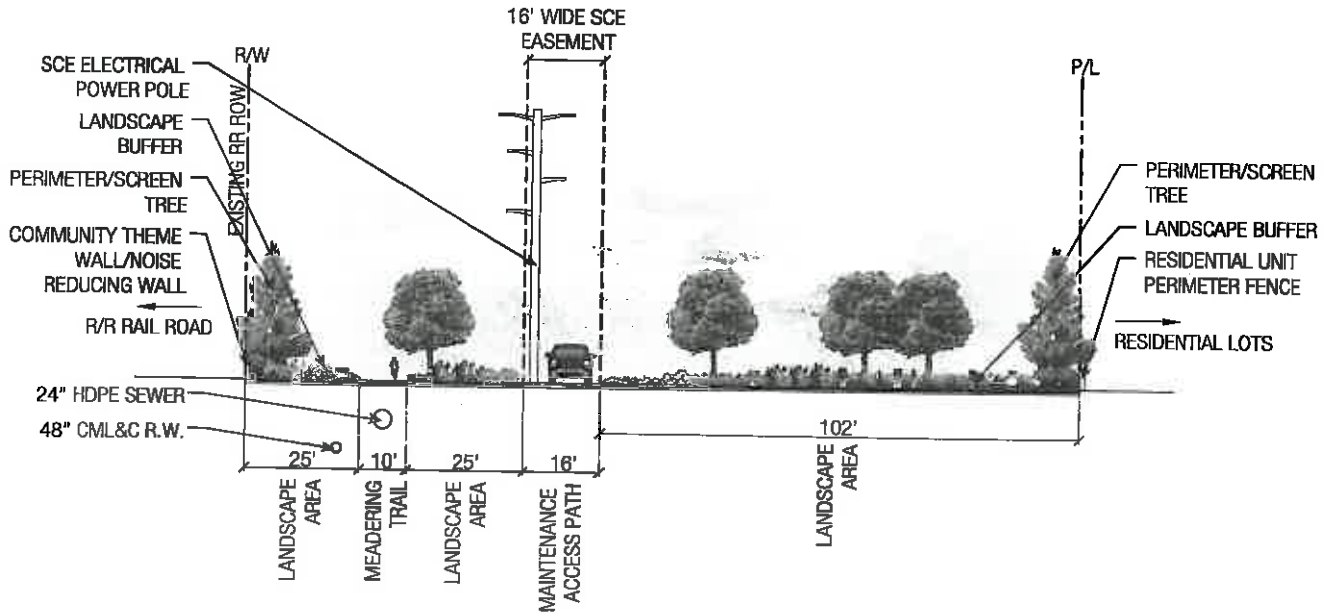
SCALE: 1"=80'



**FIGURE 10**  
**CONCEPTUAL SOUTHERN GREENBELT**



**A-A** SECTION A-A | SOUTHERLY PERIMETER GREENBELT  
SCALE: 1"=40'



**B-B** SECTION B-B | SOUTHERLY PERIMETER GREENBELT  
SCALE: 1"=40'





## 3.0 Community Plan

### 3.3.3 Pedestrian Connections

An important element of the Plan is a system of interconnecting pedestrian friendly sidewalks and walking trails that will connect neighborhoods and communities to encourage walkability to residents within the Menifee Valley community. This system will link residential neighborhoods to open spaces, amenities, school, civic uses, and the retail-mixed use area. The Plan also provides regional connections for the surrounding community.



**Figures 11A and 11B, Conceptual Pedestrian Connection Plan** reflects the many pedestrian connections located throughout the plan encouraging a healthy and active lifestyle. **Figure 12A through 12C, Sections: Trails and Local Connection**, provides further details of the pedestrian trail connections described below.

The trail system will include approximately 1.8 miles of regional trails, 5 miles of community trails, 3 miles of neighborhood trails and just over a half mile of local trail connections. While the Plan reflects a representation of the potential future Community and Neighborhood Trail system that may navigate throughout the Plan, exact locations of this trail may be subject to change as are the location of local connections, based on implementing development projects. These changes are considered minor and shall receive Administrative Approval provided the Community Development Department has determined connectivity of the trails and local connections are not substantially different than intended.

**Sidewalks.** Sidewalks are proposed within the street right-of-way to provide pedestrian connections between the individual Planning Areas, residential lots, and commercial and recreational amenities within the community to provide safe and efficient travel for pedestrians.

**Regional Trail.** A 10 foot wide Regional Trail is planned along the east side of Menifee Road and along the southern border of the Plan through the conceptual southern greenbelt and Matthews Road.

**Community Trail.** The Community Trail winds throughout the Plan and along State Route 74, Malaga Road, and Briggs Road and is intended to provide a 10 foot trail for pedestrian circulation throughout the Plan.

**Neighborhood Trail.** The Neighborhood Trail is intended to provide an 8 foot pedestrian trail throughout the Plan.

**Local Connections.** The 6 foot Local connections will provide for pedestrian crossing and connections to the Plan's trail system to allow for cohesive pedestrian movement.



FIGURE 11A

# CONCEPTUAL PEDESTRIAN CONNECTION PLAN

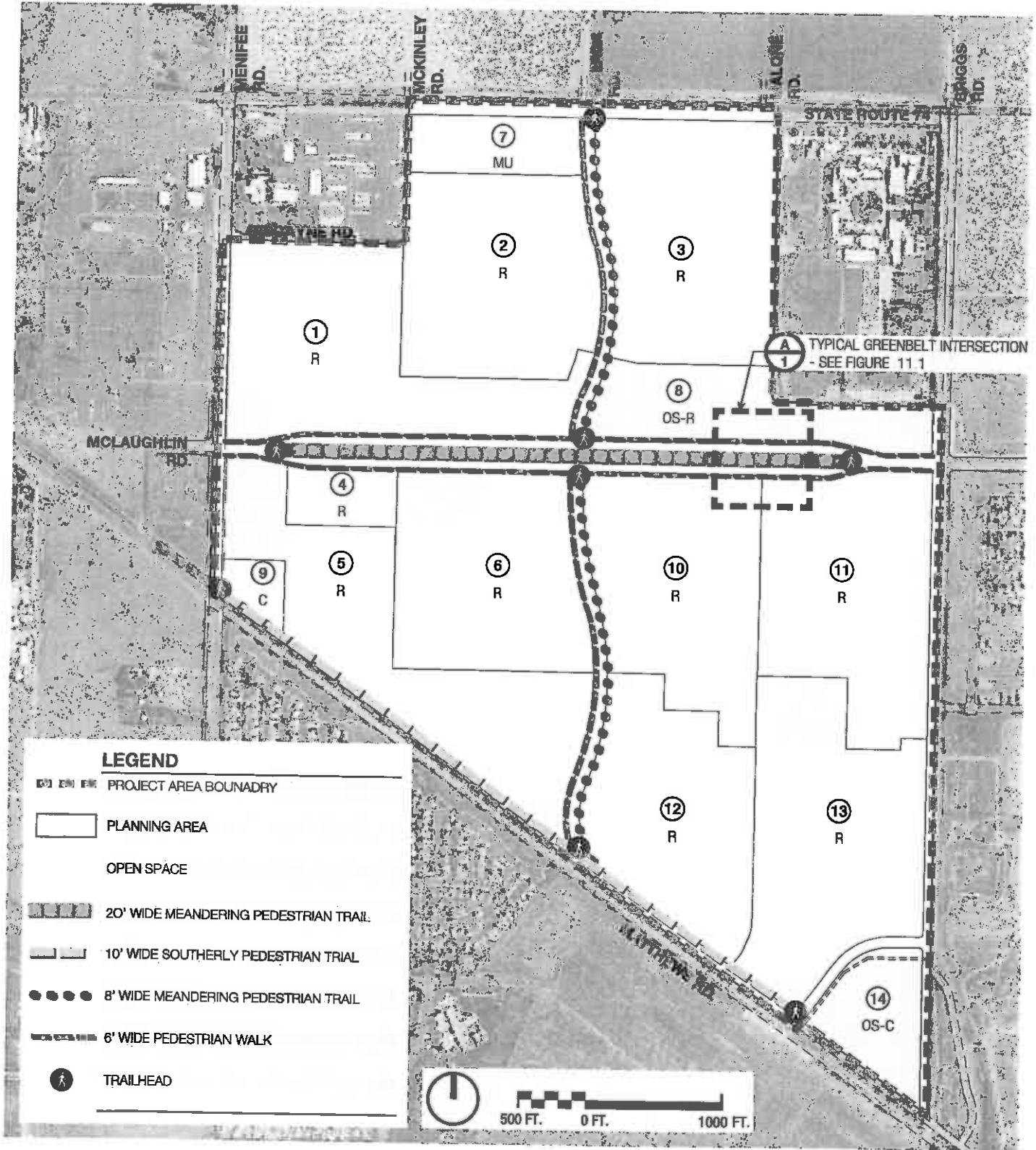
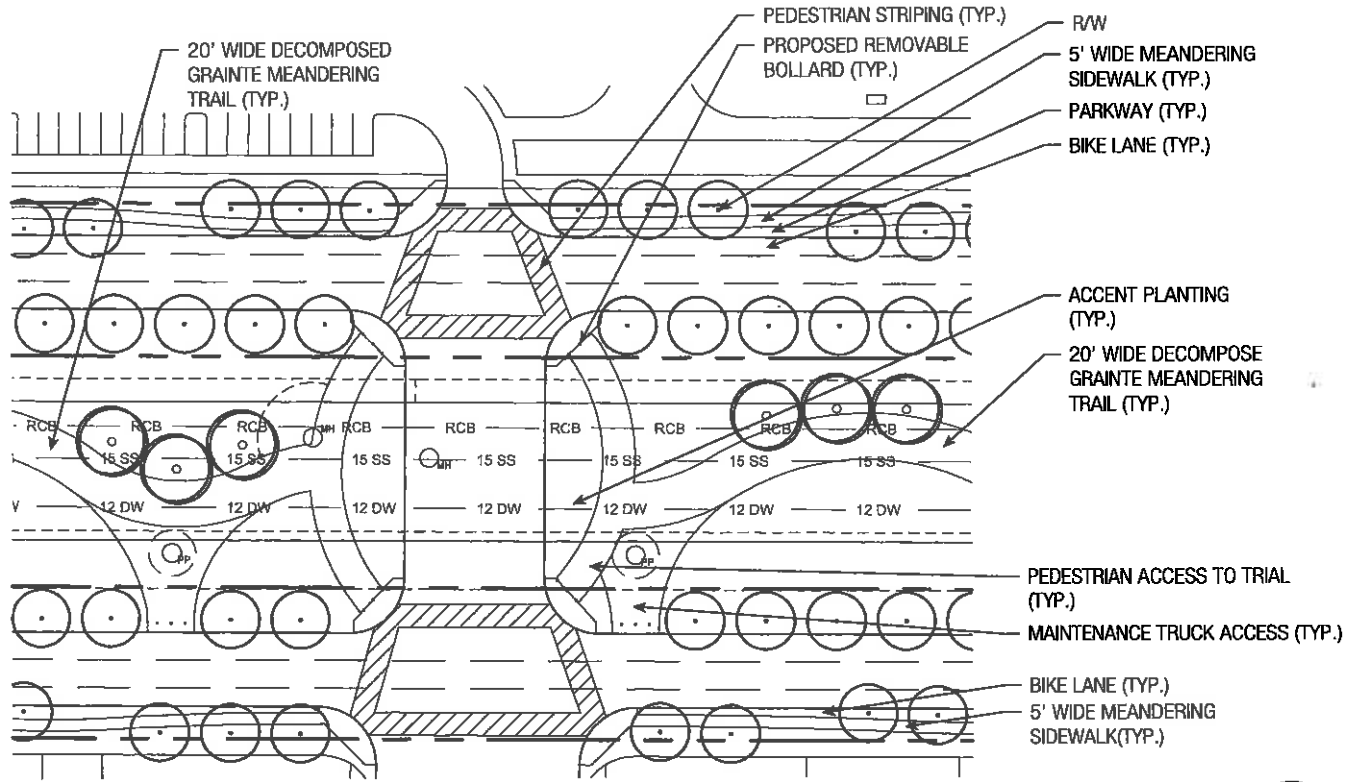
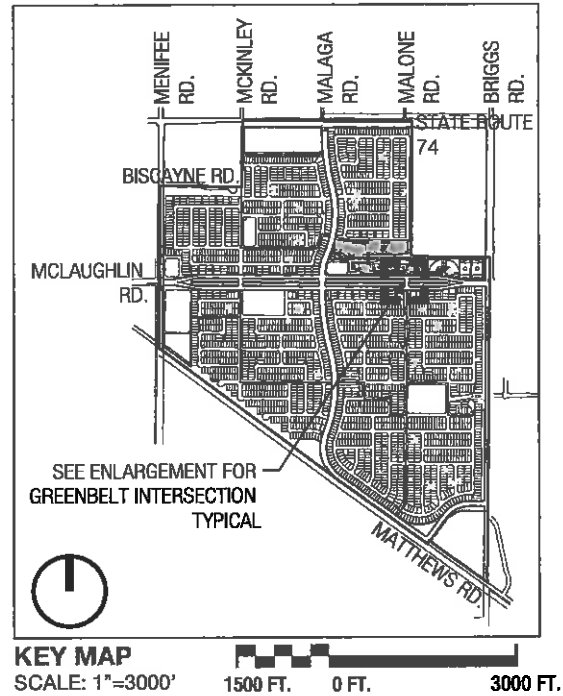




FIGURE 11B

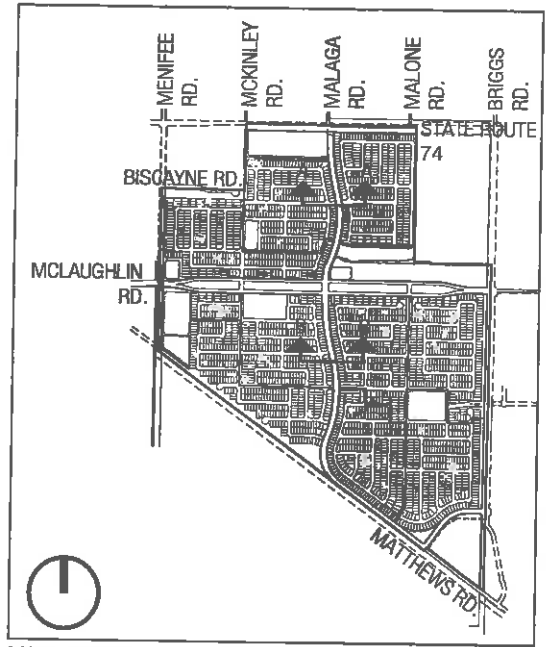
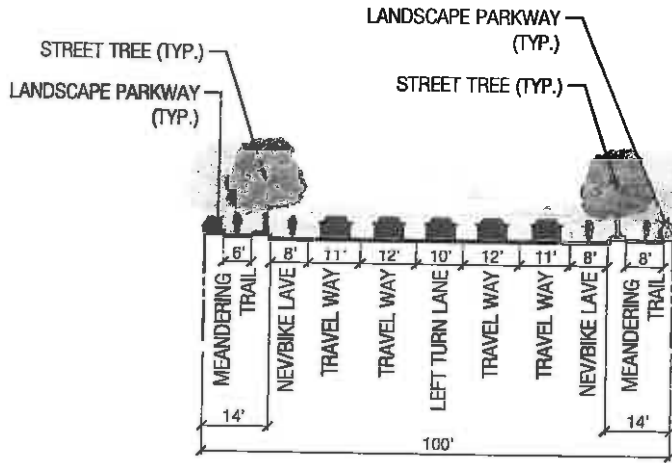
# CONCEPTUAL PEDESTRIAN CONNECTION PLAN



**A**  
**1** ENLARGEMENT A | TYPICAL GREENBELT INTERSECTION  
SCALE: 1"=80'



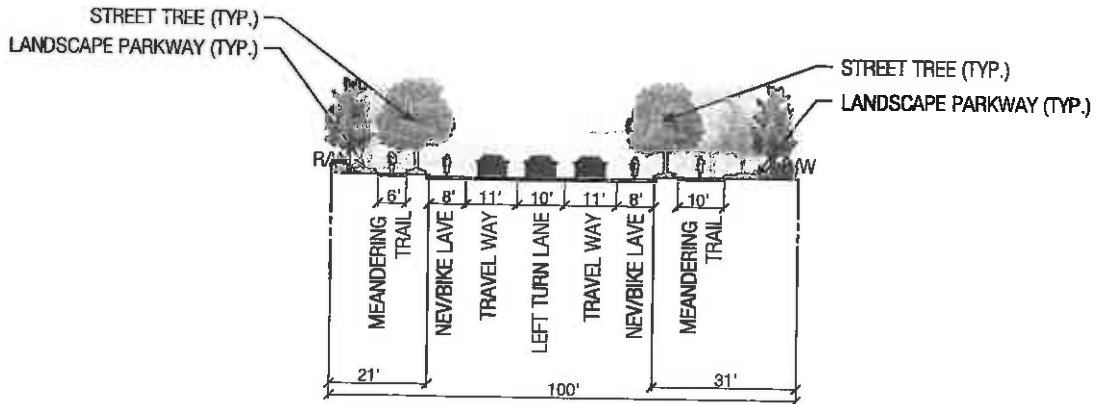
**FIGURE 12A**  
**SECTIONS: TRAILS AND LOCAL CONNECTION**



**KEY MAP**  
 SCALE: 1"=3000'



**SECTION A-A | REGIONAL TRAIL: MALAGA ROAD-NORTH (COLLECTOR)**  
 SCALE: 1"=40'

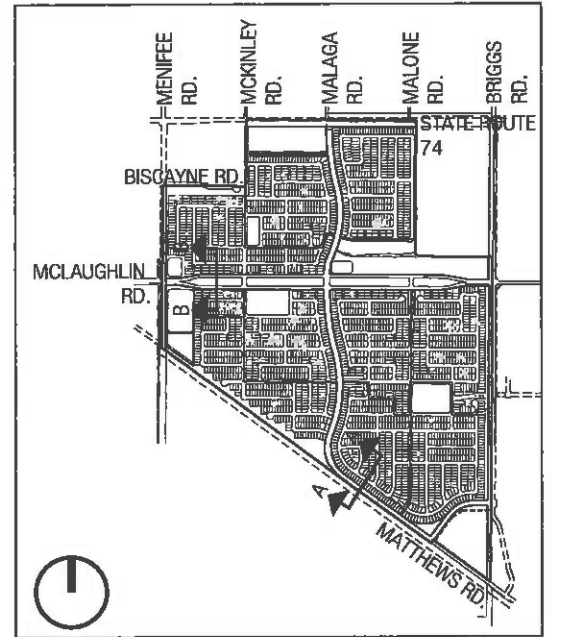
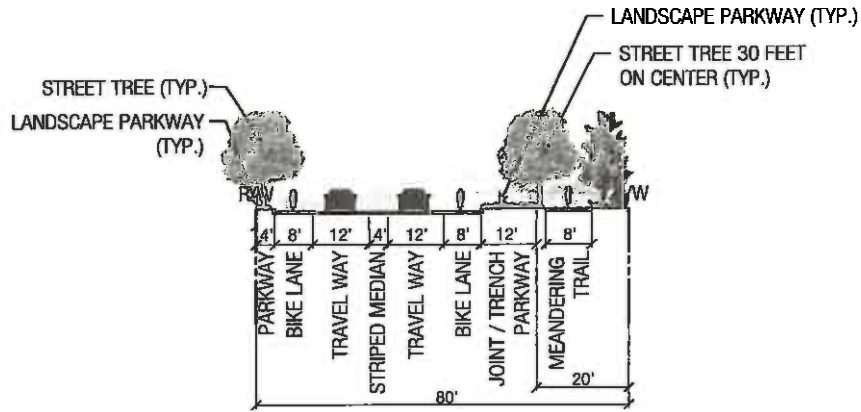


**SECTION B-B | REGIONAL TRAIL: MALAGA ROAD-SOUTH (COLLECTOR)**  
 SCALE: 1"=40'



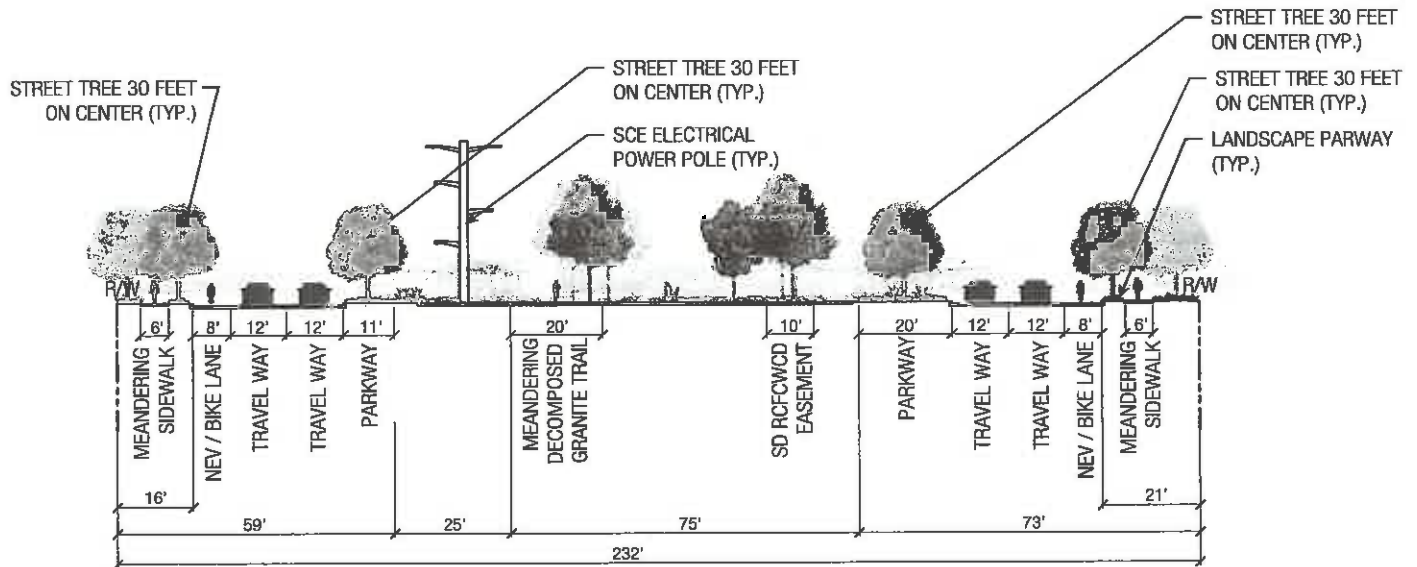
FIGURE 12B

**SECTIONS: TRAILS AND LOCAL CONNECTION**



**KEY MAP**  
SCALE: 1"=3000'

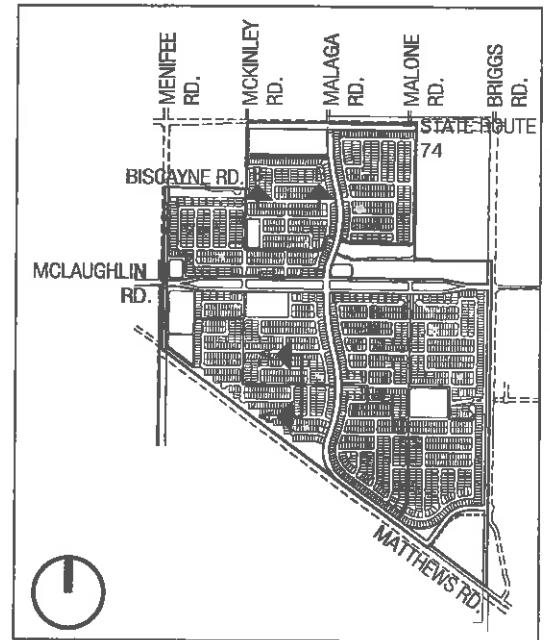
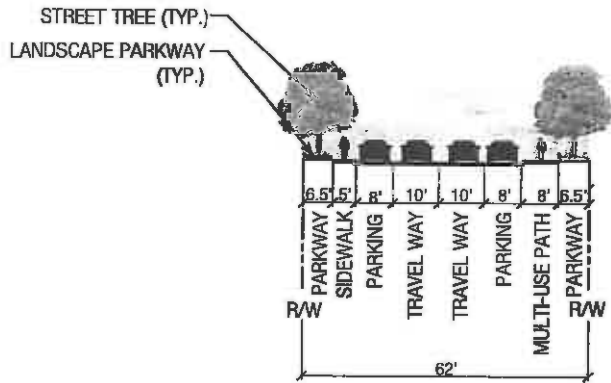
**A-A**  
**SECTION A-A | COMMUNITY TRAIL: MALAGA ROAD CONNECTOR**  
SCALE: 1"=40'



**B-B**  
**SECTION B-B | COMMUNITY TRAIL: MCLAUGHLIN ROAD (COLLECTOR)**  
SCALE: 1"=40'

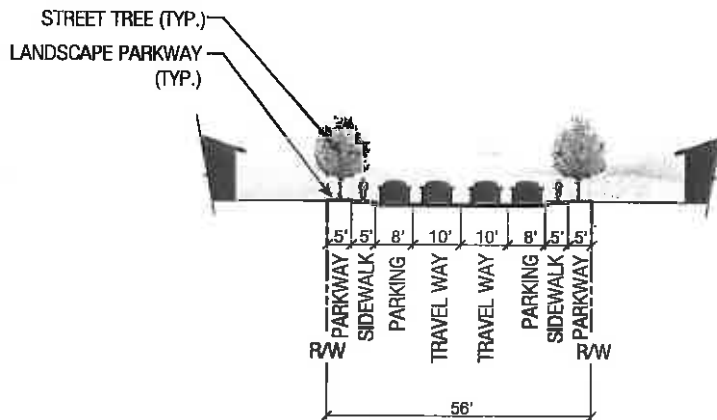


**FIGURE 12C**  
**SECTIONS: TRAILS AND LOCAL CONNECTION**



**KEY MAP**  
 SCALE: 1"=3000'  
 1500 FT. 0 FT. 3000 FT.

**A-A**  
**SECTION A-A | NEIGHBORHOOD TRAIL**  
 SCALE: 1"=40'



**B-B**  
**SECTION B-B | LOCAL CONNECTION TRIAL**  
 SCALE: 1"=40'



**3.3.4 Conservation**

The existing hill located in the southeast corner of the Plan, identified as Planning Area 14, will remain in conservation to preserve potentially important archaeological, paleontological, historical, and natural resources. This area shall not be developed or improved.



A potential jurisdictional feature may located within Planning Area 5. Jurisdictional features contain important vegetation and habitat so shall not be disturbed. Any areas identified as jurisdictional shall remain in their natural state with no improvements unless otherwise determined by resource agencies that avoidance is not feasible or agree to a biologically equivalent or better alternative.



### 3.4 Public Facilities

Conceptual infrastructure facility and service plans have been developed for Menifee Valley to provide water, sewer, and storm drain services to the community and to identify the utility service companies servicing the Project area. These system plans are conceptual, based on preliminary service layouts and evaluations, and may be subject to modifications due to more precise engineering studies.

#### 3.4.1 Water

The Eastern Municipal Water District (EMWD) provides domestic water service to the Menifee Valley Project area. Domestic water provided by EMWD is served with a blend of the California State Water Project and Colorado River waters, imported and supplied to EMWD by the Metropolitan Water District (MWD).

The Conceptual Water Plan that has been developed, provides the backbone water infrastructure to service the Menifee Valley community, as shown on **Figure 13, Conceptual Water Plan**. Adequate water service can be provided for the proposed Project using existing and planned facilities. The Plan will be served by EMWD in the 1720 pressure zone and the existing Longview tank. Existing 12 inch diameter water pipelines in the 1720 pressure zone are located within a portion of SR-74 from Briggs Road to Malaga Road, Briggs Road, and Menifee Road (about 680 feet north of SR-74). New water main construction will be necessary in Menifee Road from the termination point (680 feet north of SR-74) to McLaughlin Road and in McLaughlin Road from Menifee Road to the Briggs Road to provide connectivity. The water main extension in Menifee Road will be approximately 3,350 linear feet.

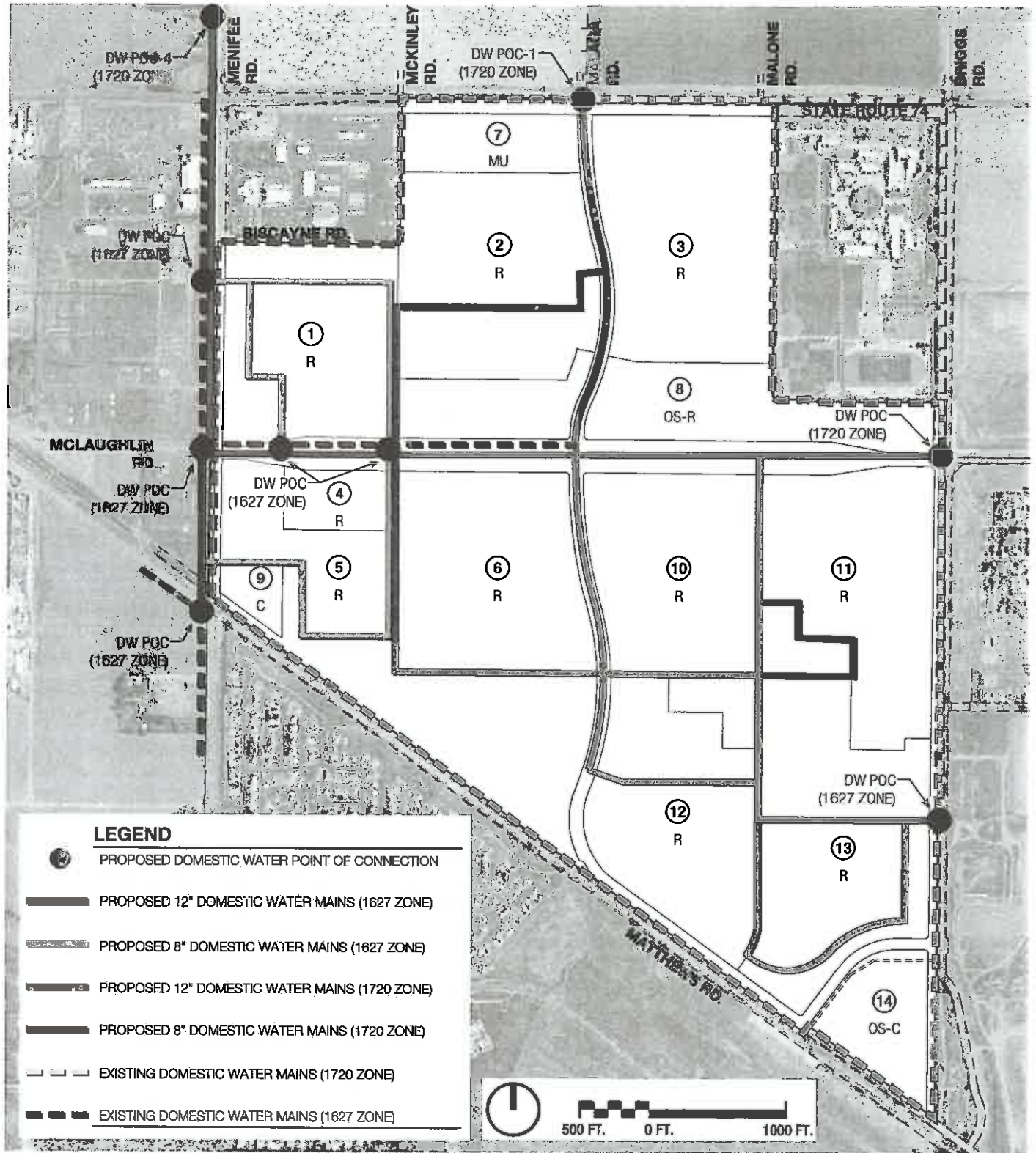
The Plan will require 8 to 12 inch diameter water pipelines in order to connect to the existing facilities to provide potable water service the site.

In order to provide a reliable source of water for firefighting purposes, potable water is also delivered to all fire hydrants and fire sprinkler systems utilizing the potable water system. Thus, piping facilities for potable water is designed to accommodate both the domestic demand and the firefighting demand.





**FIGURE 13**  
**CONCEPTUAL WATER PLAN**



### 3.4.2 Recycled Water

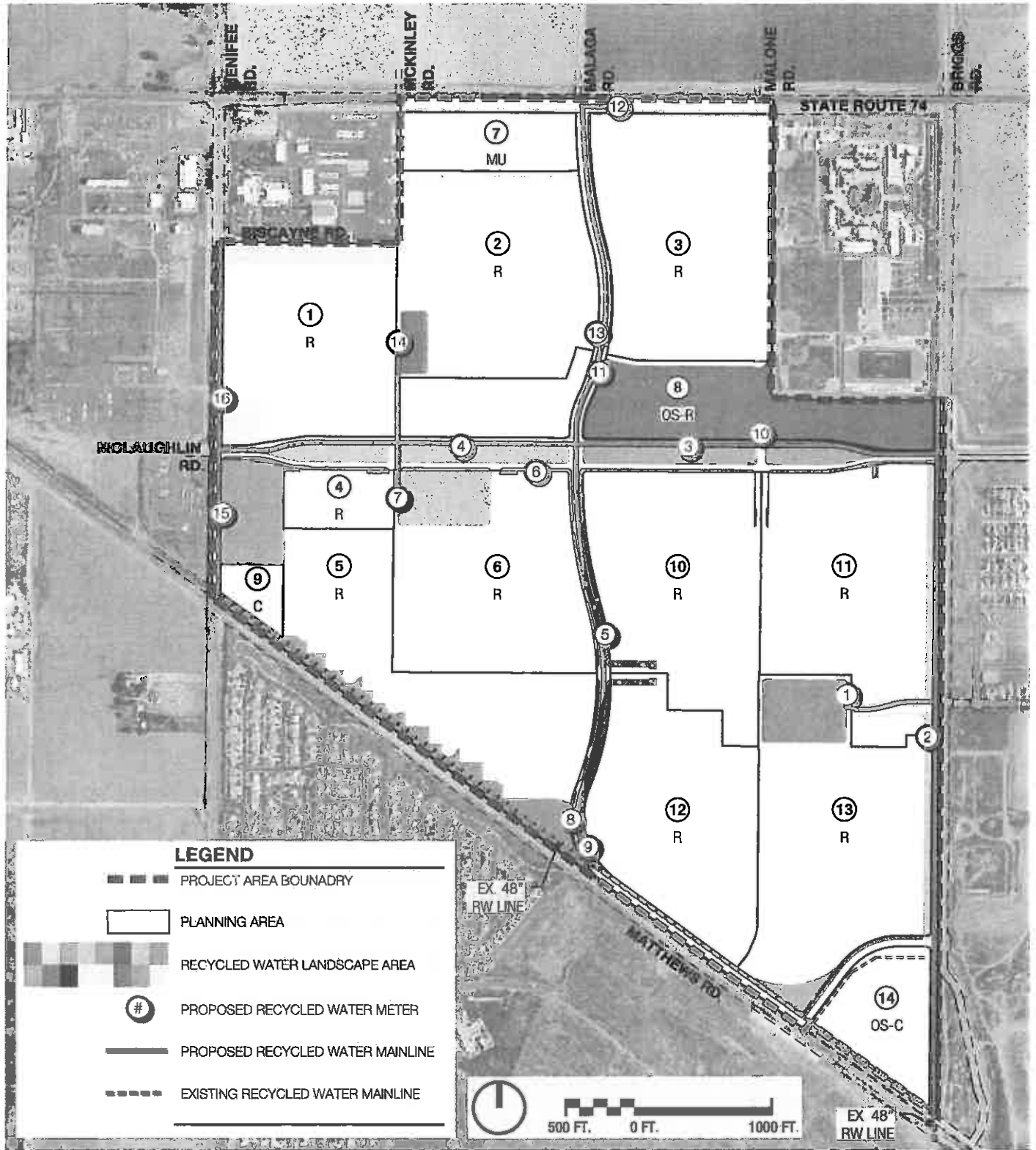
Proposed parks and common landscape areas are considered prime candidates for reclaimed water usage, as described in Title 22 of the California Administrative Code. The design and installation of such facilities will be implemented in accordance with EMWD Master Plan concepts and/or policies. The Eastern Municipal Water District (EMWD) provides recycled water service to the Menifee Valley Project area. There is an existing 48 inch recycled water line located within the Matthews Road right-of-way. The community's Recycled Water Plan includes recycle water lines that will be located in Briggs Road, Menifee Road, and McLaughlin Road ranging in diameter from 8 to 18 inches to connect to the existing facilities to provide recycle water to the Menifee Valley community to provide irrigation water to serve parks and common landscape areas as depicted in **Figure 14, Conceptual Recycled Water Plan**.

### 3.4.3 Sewer

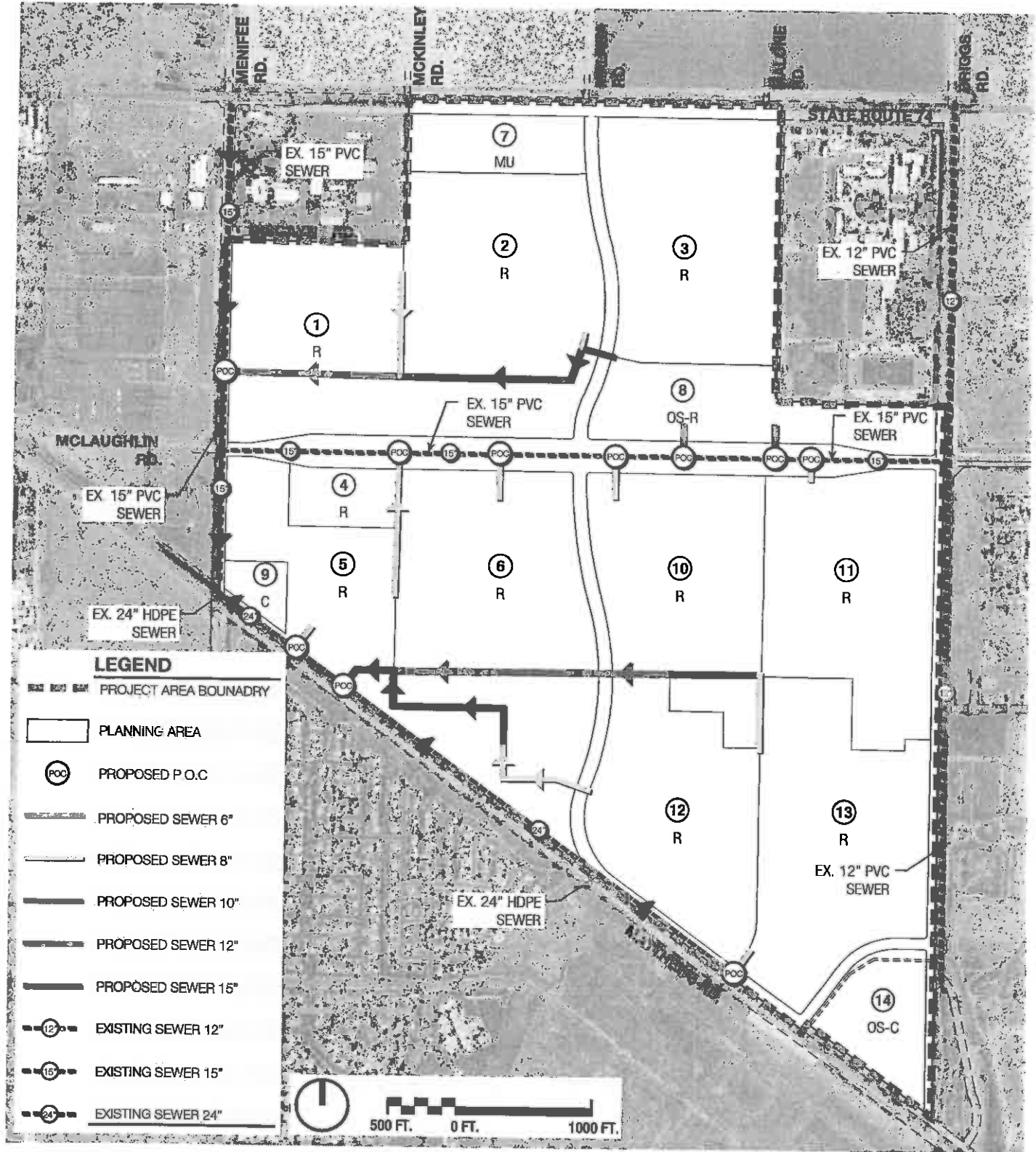
EMWD provides wastewater/sanitary sewer service to the Project area. The Conceptual Wastewater/Sewer Plan is depicted in **Figure 15, Conceptual Sewer Plan**. Existing lines are located in Menifee Road, McLaughlin Road, Briggs Road, and Matthews Road right-of-way that range in pipe size from 12 to 24 inches in diameter. The community's wastewater plan includes connections ranging in diameter from 8 to 15 inches with connection points at the intersection of McLaughlin Road/Menifee Road, Menifee Road/Matthews Road, in McLaughlin Road, and in Matthews Road to connect to the existing facilities to provide service to the Menifee Valley community.



**FIGURE 14**  
**CONCEPTUAL RECYCLED WATER PLAN**



**FIGURE 15**  
**CONCEPTUAL SEWER PLAN**



### 3.4.4 Drainage

The Plan is located within the San Jacinto River Watershed, which is a sub-watershed of the Santa Ana River Watershed. Specifically, the Plan is located within the Romoland Master Drainage Plan (MDP). The MDP outlines a master plan for orderly development of flood control facilities for ultimate "build-out" of the area. Since Menifee is not at "build-out" conditions, the stormwater drainage systems in the City are in differing stages of interim- and ultimate-condition.

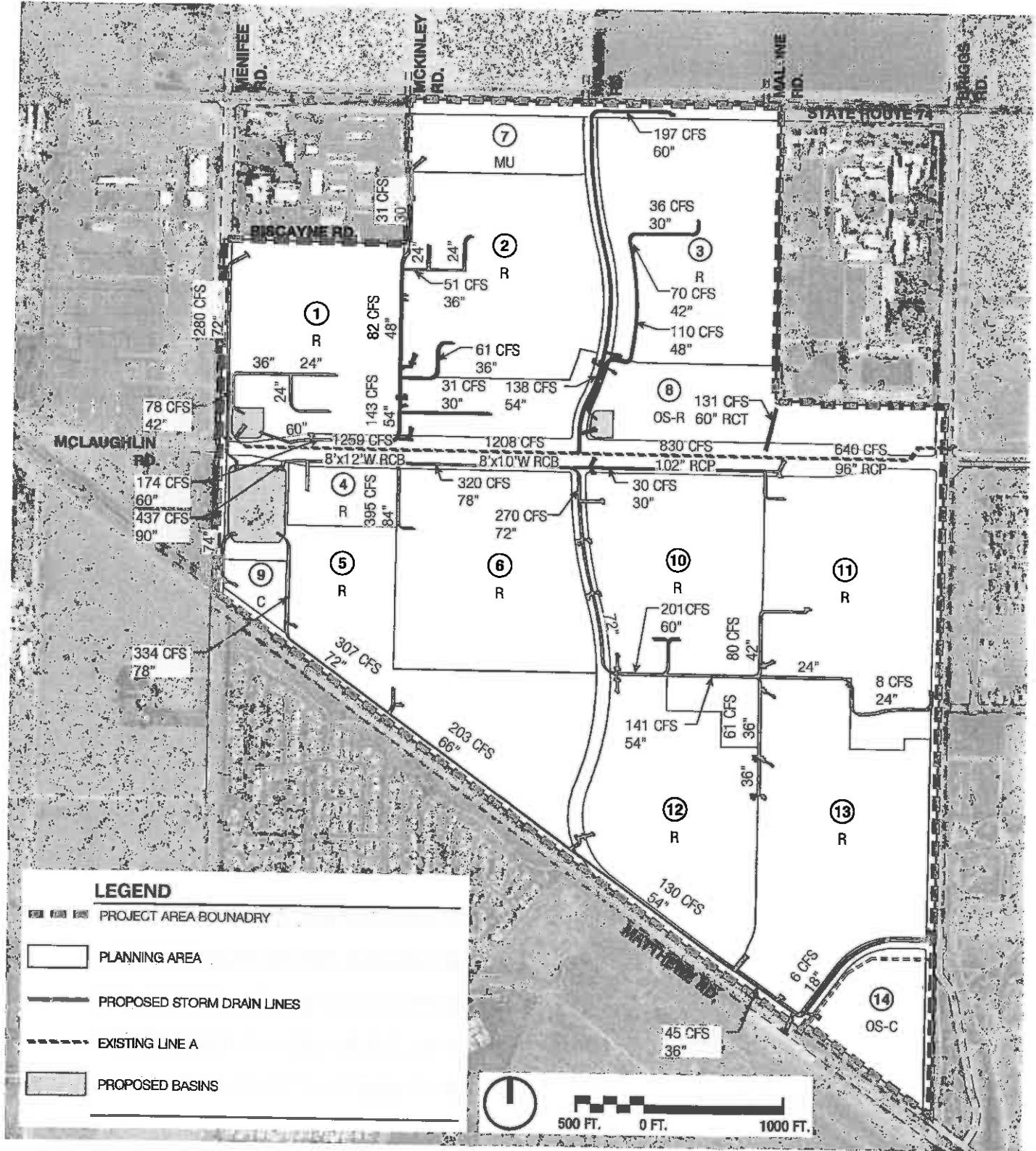
Facilities in both the Homeland and Romoland MDPs have been constructed that control runoff through the site. The Juniper Flats and Briggs Detention Basins have been constructed, along with Line 1 and Line-A, which are major backbone underground storm drains designed to carry watershed runoff to the San Jacinto River. Construction of the Juniper Flats Basin, Line 1 and the Briggs Basin facilitate the capture and conveyance of regional runoff that was historically tributary to the site. These regional facilities work in conjunction with each other to reduce the historical 100-Year peak flow rate of 3,418 cubic feet per second (cfs) to 640 cfs. Line-A traverses underneath the site along the McLaughlin Road alignment and conveys attenuated outflow from Briggs Basin. As a result of these regional backbone facilities, the site is now subject to a much reduced local runoff from the immediate surrounding areas.

The portion of Line-A traversing the site ranges in size from a 96 inch reinforced concrete pipe to an 8 foot high by 12 foot wide reinforced concrete box in McLaughlin Road. The Plan will require connections ranging in pipe size from 18 to 108 inches in diameter to connect to the existing storm drain facilities as depicted in **Figure 16, Conceptual Drainage Plan**. Construction of MDP Lines A-4 and A-5 (approximately 5,000 lineal feet) will also be required.





**FIGURE 16**  
**CONCEPTUAL DRAINAGE PLAN**





### 3.4.5 Utility Providers

#### ***Communications***

Frontier Communications will provide telephone service to the site. The existence of a buried cable along the east side of Menifee Road means that Frontier will be responsible for offsite reinforcement to make service available to the site. Menifee Valley is under the jurisdiction of both the Sun City Central Office (which covers the majority of the site) and the Homeland Central Office. If the northern portion of Menifee Valley develops first, the site will continue to be fed (as it is currently) from the Homeland Central Office. If the southern portion of Menifee Valley develops first, the entire site will likely be fed from the Sun City Central Office. Frontier currently has facilities on the east side of Briggs Road that serve the Mountain Gate development and this will be the closest source for Menifee Valley. Location of existing facilities are depicted on **Figure 17, Existing Communication Facilities**.

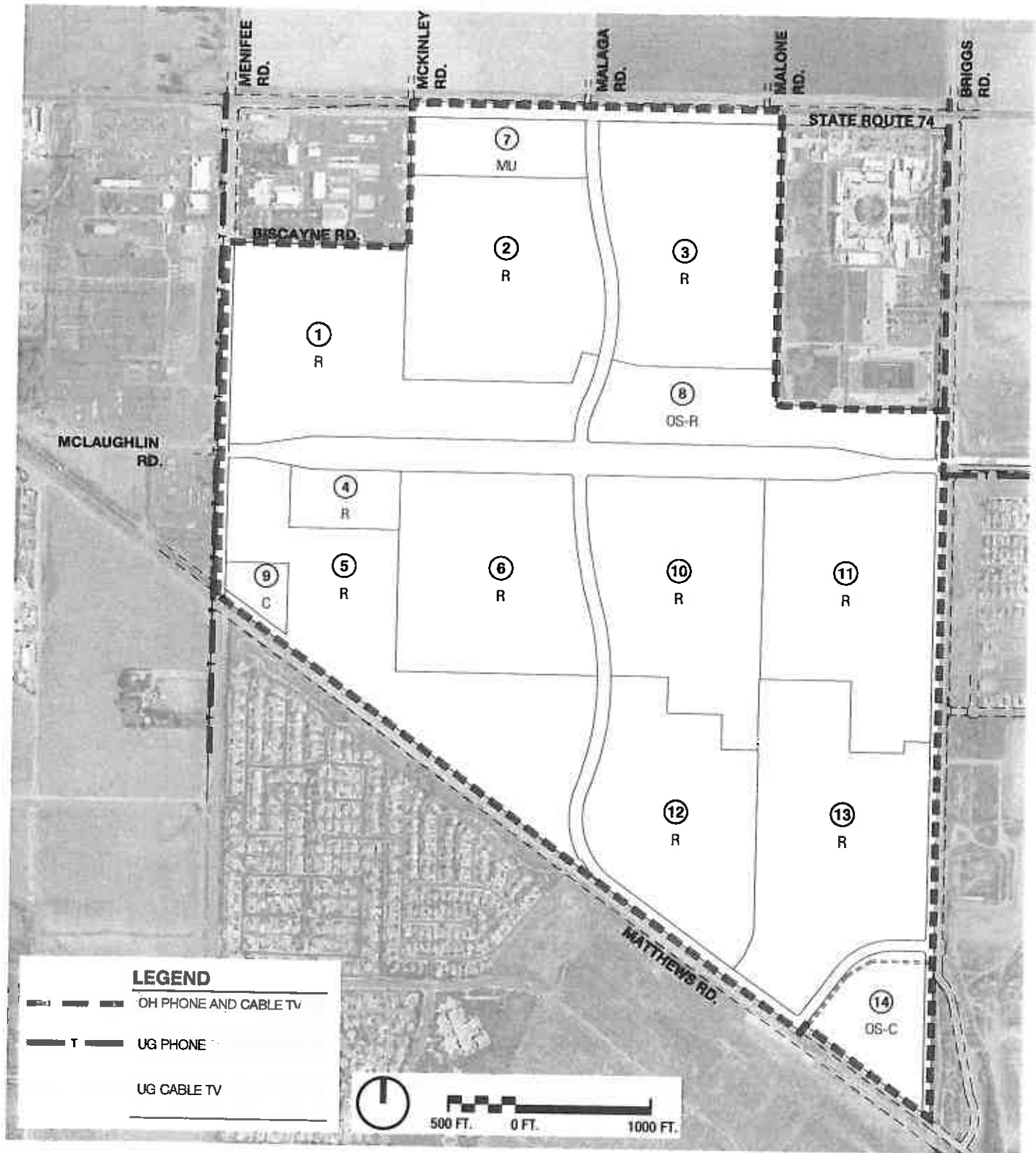
Charter Communications will provide television service to Menifee Valley. They currently have facilities on the east side of Briggs Road that serve the Mountain Gate development so it will be the closest source for Menifee Valley.

#### ***Natural Gas***

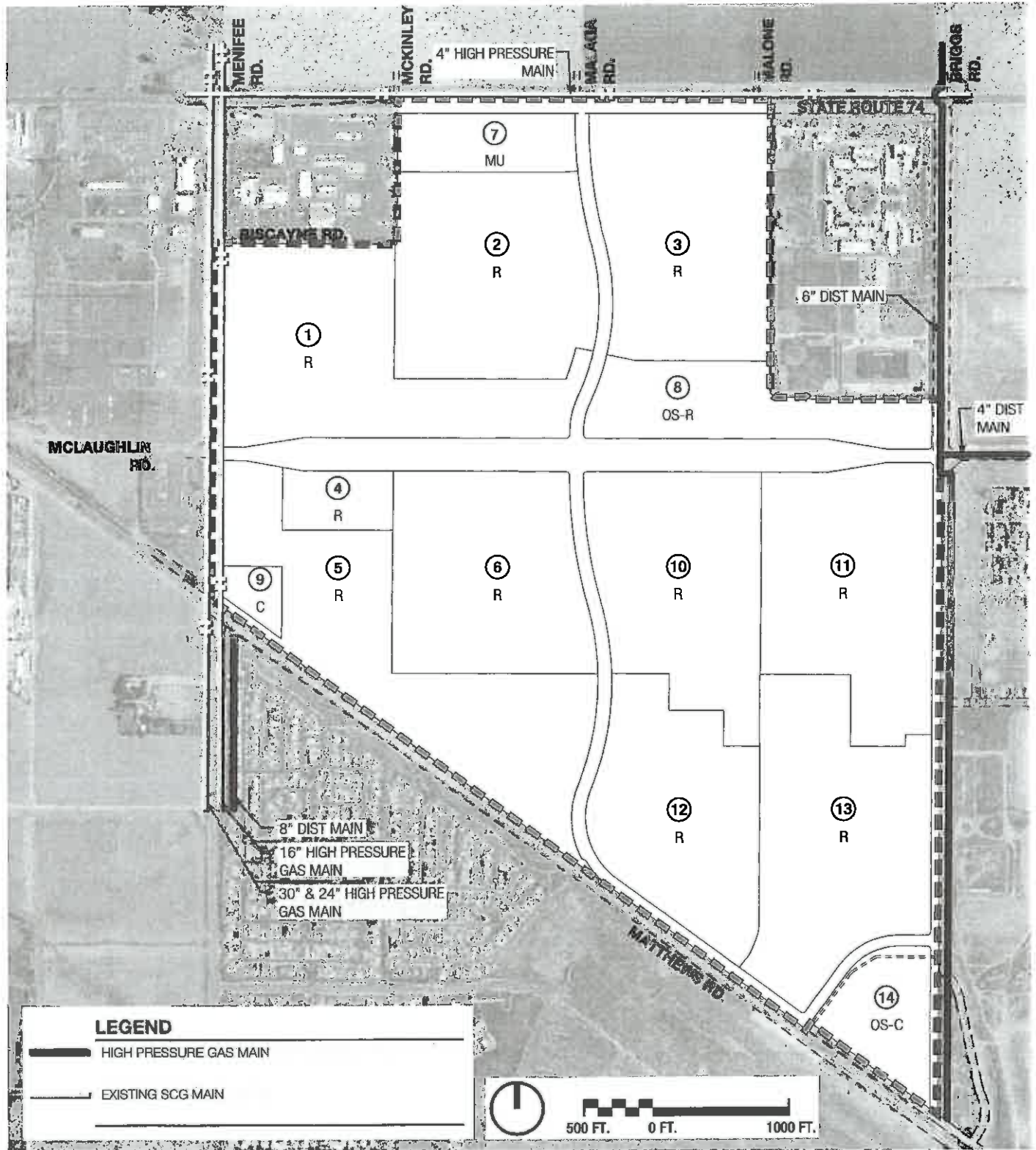
Southern California Gas Company (SGC) will provide natural gas service to the site. There are three high pressure gas transmission mains along Menifee Road; two are located along the west side and one is located along the east side. There is also an existing 4-inch high pressure gas transmission main on the north side of SR-74. SCG has a 6-inch distribution on the west side of Briggs Road that currently serves the Mountain Gate Development with capacity to serve Menifee Valley. Location of existing facilities are depicted on **Figure 18, Existing Natural Gas Facilities**.



**FIGURE 17  
EXISTING COMMUNICATION FACILITIES**



**FIGURE 18  
EXISTING NATURAL GAS FACILITIES**



### **Electricity**

Southern California Edison (SCE) will provide electrical service to the site. The precise alignment for connection to the site will be determined at a later date in coordination with SCE. All proposed onsite electrical facilities will be placed underground. There are existing overhead 33 kilovolt (kv) and 12 kv distribution lines that cross the site north to south from future Biscayne Road to McLaughlin Road and then east to Briggs Road. Overhead communication lines also hang from these pole-lines. Additionally, there is a 115 kv overhead transmission line along the south side of McLaughlin Road between Menifee Road and Briggs Road, which was relocated into Menifee Valley's ultimate right-of-way in 2006 in order to be consistent with the original road alignment plans. An existing underground duct bank and vaults are located on the south side of SR-74 between McKinley and future Malaga Road. Along the north side of Matthews Road is an overhead pole line with a double circuit 115 kv transmission line, one 12 kv circuit plus SCE communication lines; it is undetermined if these lines are outside of the Project's future road improvements. Finally, the City of Menifee currently utilizes City owned, operated, and maintained street lights throughout the City. A public utility corridor bisects the Project site along McLaughlin Road. Within this utility corridor, there is an existing Southern California Edison (SCE) easement for SCE transmission lines with 27 existing transmission lines running east and west spaced at approximately 200 feet apart on average, as well as another 32 power poles located along Matthews Road at the southern end of the site just north of the inactive railroad. Additionally, an SCE service center lies to the northwest along with an electrical substation to the west of the site. Location of existing facilities are depicted on **Figure 19, Existing SCE Facilities**.

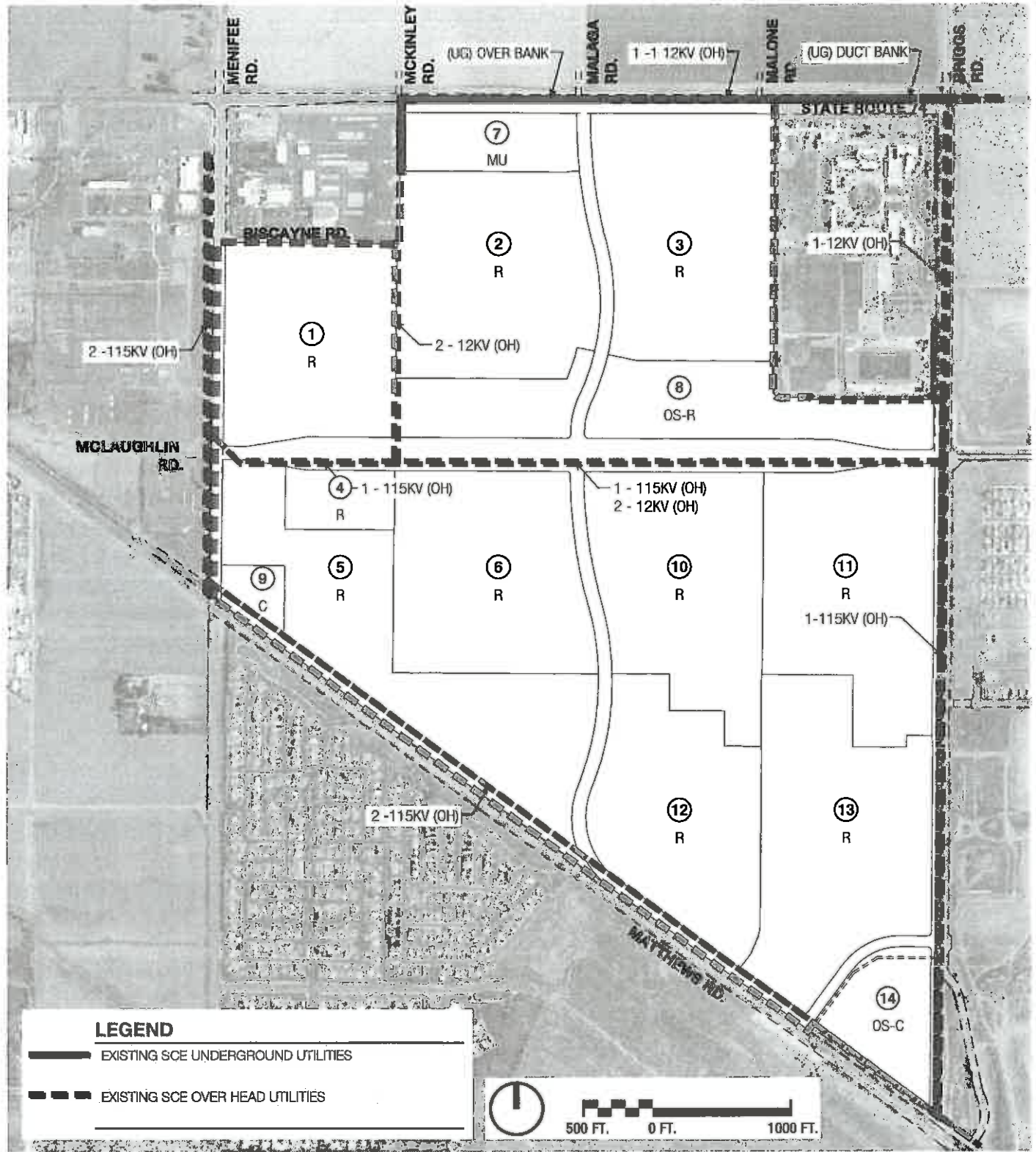
### **Solid Waste**

Waste Management, Inc. (WM) provides solid waste services to the City of Menifee. An estimated 54,166 tons of solid waste was generated by the City in 2017, with a majority (68 percent) disposed at the El Sobrante Landfill. The remainder was disposed at the Badlands Sanitary Landfill (30 percent), and Lamb Canyon Sanitary Landfill (2 percent).<sup>3</sup>

<sup>3</sup> Per CalRecycle, less than 1 percent of solid waste in 2017 from the City of Menifee was also disposed at the Lehigh Southwest Cement Company, San Timoteo Sanitary Landfill, Simi Valley Landfill & Recycling Center, and Sycamore Landfill.



**FIGURE 19  
EXISTING SCE FACILITIES**



### 3.4.6 Schools

Future residents of Menifee Valley would be served by the Romoland School District for grades K-8, and the Perris Union High School District (PUHSD) for grades 9-12. Elementary school students (grades K-5) from the Project site will attend Boulder Ridge Elementary School, approximately 1.7 miles from the site. Middle school students (grades 6-8) will attend Ethan A. Chase Middle School, approximately 2.1 miles from the site. High school students (grades 9-12) will attend Heritage High School, which borders the Project site on its northeast corner.

Additional schools to serve the Menifee Valley site and the surrounding area may be built in the future as demand and funding allows. The Plan allows for up to 12 acres within Planning Areas 2 or 3 to be developed as an elementary school site, if needed, as reflected in **Figure 20, Potential School Locations**. Menifee Valley will be required to offset its impacts to schools and school districts through the execution of a school facilities mitigation agreement which may call for conveyance of land or payment of school impact fees which are set and collected by each school district in addition to ongoing property taxes.

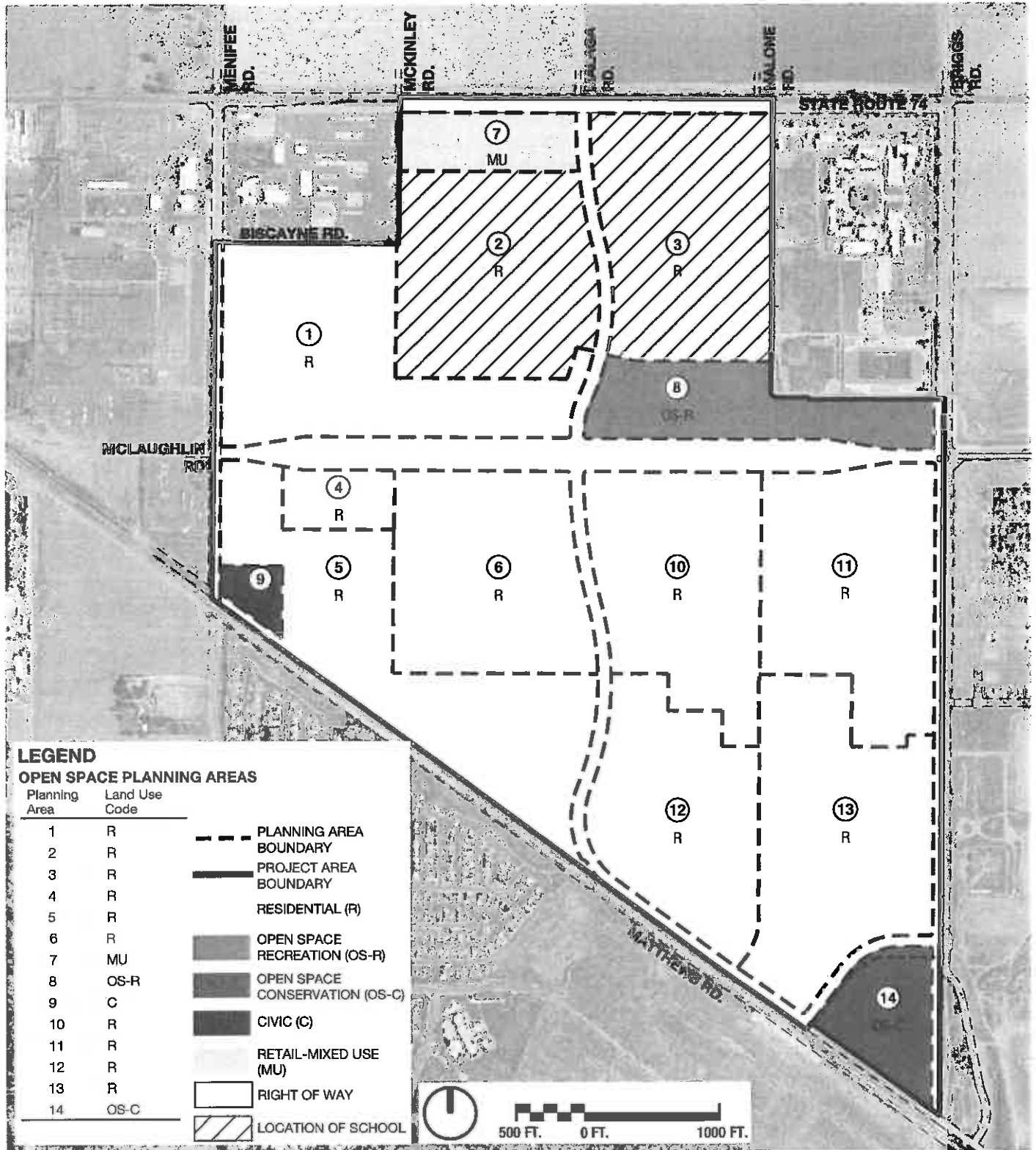
### 3.4.7 Police and Fire Protection

The City of Menifee contracts all law enforcement and fire protection services through the Riverside County Sheriff's Department and the Riverside County Fire Department, respectively. The closest police station to the site is located 6.7 miles northwest of the site in the City of Perris. There are four fire stations in the City of Menifee and each station has a paramedic engine company. Fire Station 7 is the closest Fire Station located within the City of Menifee boundaries to the Project site, approximately 2.6 miles southwest of the site at 28349 Bradley Road.





**FIGURE 20  
POTENTIAL SCHOOL LOCATIONS**



## 3.0 Community Plan

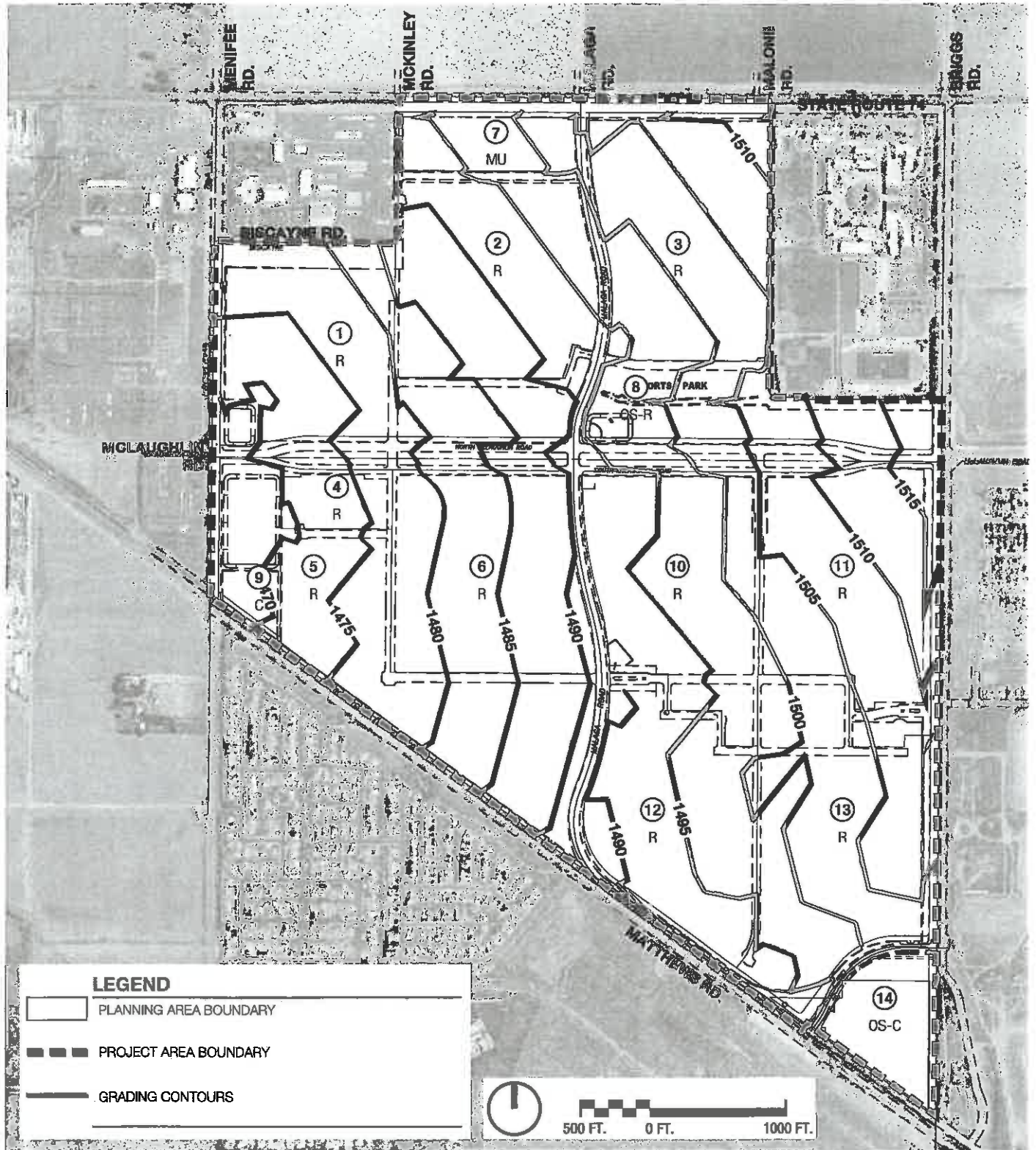
### 3.5 Conceptual Grading Plan

The primary purpose of grading is to construct developable building lots, roads, drainage, and water quality features, and to provide access to the individual Planning Areas. **Figure 21, Conceptual Grading** represents the proposed grading concept for the Plan. Grading will occur in multiple phases and the grading phases may encompass more than one construction phase. All cut and fill will be balanced on site and will not require import or export of materials. Approximately 4.8 million cubic yards of material will be moved overall (total estimated cut and fill) to achieve a balanced site. This quantity may vary as final grading plans are developed. Balance of cut and fill in each phase; and within each Planning Area is the goal, however, in some cases a limited amount of off-phase grading may occur for borrow and stock piling sites.

This Grading Plan is conceptual in nature and therefore as each development phase or Planning Area is submitted, a phase specific grading plan shall be submitted to the City for review and approval. Grading may occur in phases as development applications are processed.



**FIGURE 21**  
**CONCEPTUAL GRADING PLAN**



## 3.0 Community Plan

### 3.6 Conceptual Phasing Plan

The ultimate phasing of Menifee Valley will be determined by market demand, infrastructure availability, and at the time of implementing development submittals. The utilities and backbone systems within the community will be constructed in phases as needed to facilitate the development of the site and support development within any one individual planning area. It is anticipated Menifee Valley will develop in five phases. This conceptual development phasing represents the best estimate of the applicant and may change. The exact phasing and timing in which the roads and other infrastructure are constructed may be dependent on the processing of off-site improvement permits and extension of off-site improvements. Additionally, the exact order in which internal streets and other infrastructure are constructed is dependent on the location of each Planning Area and its estimated timing. Therefore, changes to the Conceptual Phasing Plan will be considered minor and shall receive administrative approval provided the Community Development Department has determined infrastructure is available to serve that phase, and that any mitigation measures linked to that phase, location, or level of development are implemented, as outlined in *Chapter 7.0, Administration and Implementation*. The proposed conceptual phasing plan may be amended in conjunction with approval of tentative maps and site plans without requiring an amendment to the Specific Plan as outlined in *Chapter 7.1, Administration*.



## 4.0 Development Standards

The primary implementation guidance tool for the Project is Menifee Valley Specific Plan, which establishes the character of the development through the definition of permitted land uses, required infrastructure, development regulations and design guidelines. The standards and regulations contained in this section, along with those in *Chapter 5.0, Landscape Design Guidelines* and *Chapter 6.0, Architectural Design Guidelines* provide the framework upon which all subsequent implementation planning decisions are based, and criteria for determining consistency of site specific design with the Specific Plan objectives.

It is the purpose of this chapter to serve as the development regulations for Menifee Valley Specific Plan. When the Menifee Valley Specific Plan and associated change of zone are adopted by ordinance, these regulations and standards will supersede the corresponding Zoning Ordinance of the City. Where the Specific Plan is silent on a development issue, regulation or procedure, or where reference is made to a specific ordinance section, the applicable section(s) of the City Municipal Code shall prevail. Where design guidelines or development standards of the Specific Plan do not agree with the City ordinances, this Specific Plan shall apply.

In order to ensure the orderly development of the residential, retail-mixed use, civic, and recreational uses proposed for the Specific Plan, zoning standards have been created. These are discussed in further detail below.



## 4.0 Development Standards

### 4.1 Land Use

General land use development standards include:

- 1) The Specific Plan shall not exceed 2,757 dwelling units, 120,000 square feet of Retail-Mixed Use, and 87,120 square feet of public facility uses. Up to 12 acres may be devoted to a K-5 school site as illustrated above (**Figure 20**), if necessary.
- 2) Each Planning Area contains a target number of dwelling units. During the site plan and tentative tract map stage of the development process, the final number of dwelling units for a particular Planning Area may differ from those identified in the Specific Plan, so long as the total number of dwelling units falls within the minimum and maximum range specified by **Table B, Land Use Plan Summary and Buildout Potential**, above.
- 3) Residential Planning Areas may develop based on a flexible product and lot size. Residential development standards shall be in accordance with the Specific Plan Zoning Ordinance and **Table D, Residential Planning Standards**, below based on minimum lot size.
- 4) Non-residential standards shall be in accordance with the Specific Plan Zoning Ordinance.
- 5) Adjacent land uses shall be compatible with one another; otherwise shall appropriate buffers and screening as determined the Planning Department shall be provided.
- 6) Common areas identified in the Specific Plan shall be owned and maintained as follows:
  - a) A permanent master maintenance organization shall be established for the Specific Plan area, to assume ownership and maintenance responsibility for all common recreation, open space, circulation systems and landscaped areas. The organization may be public or private and there could be more than one entity and/or sub-associations/cost centers. A merger with an area-wide or regional organization will satisfy this standard provided that such organization is legally and financially capable of assuming the responsibilities for ownership and maintenance. If the organization is a private association, then neighborhood associations may be established for each residential development, as needed, and such associations may assume ownership and maintenance responsibilities for neighborhood common areas.
  - b) Unless otherwise provided for in these standards, common areas shall be conveyed to the maintenance organization as implementing development is approved or any subdivision is recorded.
  - c) The maintenance organization shall be determined prior to or concurrent with recordation of any final subdivision map.





## 4.0 Development Standards

**Table D**  
**Residential Planning Standards**

LOT SIZE	4,000	5,000	6,000
<b>Maximum Lot Coverage</b>			
Lot Coverage	70%	70%	70%
<b>Minimum Front Yard Setbacks<sup>1</sup></b>			
Living Space	10'	10'	10'
Garage	3'	20'	20'
Porches, Courtyards, Balconies	5'	10'	10'
<b>Minimum Side Yard Setbacks<sup>1</sup></b>			
Street Side	5'	10'	10'
Interior Side	5'	5'	5'
Encroachments (fireplaces, media centers, AC units)	2'	2'	2'
<b>Minimum Rear Yard Setbacks<sup>1</sup></b>			
Living Space <sup>2</sup>	10'	15'	15'
Covered porches, balconies, decks	5'	10'	10'
<b>Notes</b>			
<ol style="list-style-type: none"> <li>1. Measured from property line or right-of-way to main structure. Low decorative walls or fences up to 42 inches in height are permitted in the front setback areas.</li> <li>2. If front yard setback to living space is 10 feet, then rear yard setback to living space shall be a minimum of 20 feet.</li> </ol>			



## 4.0 Development Standards

### 4.2 Circulation

General circulation development standards include:

- 1) All roadways within the Project area shall be constructed according to the minimum standards and guidelines set forth in this Specific Plan.
- 2) Any landscaping within public road rights-of-way will require approval by the City Engineer and assurance of continuing maintenance through establishment of a landscape maintenance district or similar mechanism as approved by the City.

A conceptual landscape plan shall be provided with any implementing entitlement application that specifies the location, type, and size of trees, shrubs, and ground cover within the right-of-way and any park or open space area.

### 4.3 Open Space and Recreation

General open space and recreation development standards include:

- 1) Permanent master maintenance organizations may be established for the Specific Plan area to assume ownership and maintenance responsibility for all common recreation, open space, circulation system and landscaped areas which have not had ownership and maintenance assumed by another agency. The organization may be public or private. Merger with an area-wide or regional organization shall satisfy this condition provided that such an area-wide or regional organization is legally and financially capable of assuming the responsibilities for ownership and maintenance.
- 2) Development of hardscapes and equipment within park facilities may vary and may be subject to certain restrictions placed by the City or requested by the Planning Department or other public agency.
- 3) Refer to *Chapter 7.0, Administration/Implementation Plan* for exact timing and responsibility for development of parks.
- 4) Each park shall have pedestrian access from the street.
- 5) Landscaping of the parks and open space will be governed by *Chapter 5.0, Landscape Design Guidelines* and comply with City of Menifee Municipal Codes 9.86 and 15.04. No park or other recreational area will be accepted by the maintenance authority until all landscaping and other improvements have been completed.
- 6) The design and installation of proposed parks and common landscape areas shall be constructed with a domestic pipeline to provide irrigation water to serve parks and common landscape areas.



## 4.0 Development Standards

### 4.4 Public Facilities

General public facility development standards include:

#### 4.4.1 Water and Sewer

- 1) All lines shall be designed per EMWD standards unless otherwise agreed to by EMWD.
- 2) The location of facilities will conform to City of Menifee and EMWD standards unless otherwise agreed to by EMWD.
- 3) Water and wastewater facilities shall be installed in accordance with the requirements and specifications of the City of Menifee and EMWD.
- 4) The design of regional facilities shall conform to the current EMWD Master Plan of Facilities.
- 5) All water and sewer lines shall be placed underground and inspected per the policies of the EMWD.
- 6) Any design of off-site facilities shall be coordinated with the affected property owners.
- 7) The design of all water facilities shall provide fire protection to the satisfaction of the City of Menifee Fire Department.
- 8) Hydrants shall be located at each intersection and within 600 feet of all portions of all structures.

#### 4.4.2 Drainage Facilities

- 1) All storm drain facilities will be designed in accordance with RCFCWCD City of Menifee design standards to provide protection from a 100-year storm event.
- 2) All drainage and storm drain facilities will be maintained by one of the following: Riverside County Flood Control and Water Conservation District (RCFCWCD), City of Menifee, or a community service financing mechanism such as a Community Facilities District (CFD) or a County Services District (CSD).
- 3) All projects proposing construction activities including clearing, or excavation, that result in the disturbance of at least one acre total land area, or activity which is part of a larger common plan of development of one acre or greater shall obtain the appropriate National Pollution Discharge Elimination System (NPDES) construction permit and pay the appropriate fees. This will typically require obtaining approval under the Construction General Permit, issued by the California State Water Resources Control Board, which will include preparing a SWPPP.
- 4) A Project Specific WQMP shall accompany each implementing project which shall locate the water quality basins and identify LID BMPs in order to mitigate the impact on the water quality for the implementing development and reference and amend the Master WQMP prepared for the Menifee Valley Specific Plan as necessary. The types of LID BMPs that are proposed for the implementing Project will be determined at the Tentative Tract Map or Plot Plan stage and will demonstrate that all potential and expected pollutants of concern generated from the site will be treated.

## 4.0 Development Standards

Implementing projects shall comply with **Table E, Plant Palette** in *Chapter 5.0, Landscape Design Guidelines* for a list of appropriate basin planting materials. Project specific mitigation measures may include, but not be limited to on-site retention, vegetated swales, monitoring programs, low impact development, etc.

### 4.4.3 Utilities

- 1) All utility lines shall be underground with the exception of existing facilities above 12 kv.

### 4.4.4 Solid Waste

- 1) As a requirement of the California Solid Waste Reuse and Recycling Act of 1991, the Project shall provide adequate areas for collection and loading recyclable materials.

## 4.5 Grading

General grading development standards include:

- 1) All grading shall be in substantial conformance with the Conceptual Grading Plan and shall implement any grading-related mitigation measures outlined in the EIR prepared for the Project. Rough grading, mass grading, stockpile, and borrow site plans are permitted.
- 2) Prior to any development within any Planning Area, an overall preliminary grading plan for the Planning Area in process shall be submitted to the Community Development Department and Public Works Engineering Department for approval. The grading plan for each such Planning Area shall be used as a guideline for subsequent detailed grading plans for individual stages of development within that Planning Area and shall include: (i) techniques employed to prevent erosion and sedimentation during and after the grading process; (ii) approximate time frames for grading and (iii) any necessary planning phase specific WQMP resulting from changes that impact the overall WQMP approved for the development. Each Project specific WQMP shall be reviewed and approved by the City.
- 3) All cut and or fill or individual combinations thereof shall meet the minimum requirements of the California Building Code or governing code at the time of application submittal.
- 4) All grading activity shall conform to the recommendations of the preliminary soils report and subsequent reports prepared in conjunction with the grading plans.
- 5) The applicant shall be responsible for the maintenance and upkeep of all planting and irrigation systems until those operations become the responsibility of other parties.
- 6) When consistent with an approved grading plan, grading shall be permitted outside of the immediate area of development as follows:
  - a) Borrow sites are permitted on consenting offsite property and in areas scheduled for future development



## 4.0 Development Standards

- b) Excess cut from a given phase may be placed as engineered fill in a future development area or disposed of on consenting offsite property.
- 7) Grading work on the entire site shall be balanced onsite whenever possible.
- 8) Grading shall be permitted to be completed in phases.
- 9) The site is to comply with the National Pollution Discharge Elimination System (NPDES) "Best Management Practices (BMPs) for erosion and sedimentation control.
- 10) The site is to comply with the latest adopted WQMP guidelines for new developments as required by the latest MS4 Permit for the City of Menifee.
- 11) A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented concurrent with commencement of grading activities. A copy must be provided to the Public Works Engineering Department prior to issuance of a grading permit.

### 4.6 Phasing

- 1) Where determined by the City or other applicable public agencies to be necessary, roadways, infrastructure, and open space may be coordinated by and paid for through an Assessment District or Community Facilities District or other financial mechanism, to facilitate construction, maintenance, and management.
- 2) Prior to the issuance of building permits, improvement plans for the development of the common open space area, including planting and irrigation plans, shall be submitted for planning development approval for the stage of development in question. These landscape improvement plans shall be prepared by and reviewed for substantial conformance by a licensed landscape architect.
- 3) The phasing sequence described herein is conceptual. Therefore, at the time of development, if it is determined that the market demand warrants certain Planning Areas to be developed out of the expected sequence, it will be permissible provided that the required infrastructure and services will be available as necessary to support a phase of development.
- 4) Prior to issuance of a building permit, the applicant shall first obtain clearance from the City of Menifee Planning Department verifying that all pertinent conditions have been satisfied for the phase of development in question.

### 4.7 Maintenance

- 1) Permanent master maintenance organizations may be established for the Specific Plan area to assume ownership and maintenance responsibility for all common recreation, open space, circulation system and landscaped areas which have not had ownership and maintenance assumed by another agency. The organization may be public or private. Merger with an area-wide or regional organization shall satisfy this condition provided that such an area-wide or regional organization is



## 4.0 Development Standards

- legally and financially capable of assuming the responsibilities for ownership and maintenance.
- 2) Unless otherwise provided for in these standards, common areas shall be conveyed to the maintenance organizations as implementing development is approved or any subdivision is recorded.
  - 3) The maintenance organizations shall be established prior to or concurrent with the recordation of the first land division or issuance of any building permits for any approved development permit (use permit, plot plan, etc.)
  - 4) Development applications which incorporate common areas shall be accompanied by design plans for the common areas, specifying location and extent of landscaping, general irrigation system specifications, structures, and circulation (vehicular and pedestrian).
  - 5) If necessary, roadways, infrastructure, and open space may be coordinated by and paid for through an assessment or community services district (or area) to facilitate construction, maintenance and management.
  - 6) Areas designated as open space that will be conveyed within parcel boundaries to individual property purchases shall be deed restricted so as to create open space easements and prohibit grading, construction, or other development activity in such open space.
  - 7) It is anticipated that maintenance associations, if formed, will be established as follows: A master association shall be charged with the unqualified right to assess its individual owners who own individual units for reasonable maintenance and management costs which shall be established and continuously maintained, as well the one-time purchase of facility-specific sites such as private amenities. A property owners association may be responsible for private roads, parking, open space areas, signage, monumentation, gates, lighting, landscaping, irrigation, common areas and other responsibilities as necessary.





## 5.0 Landscape Design Guidelines

### 5.1 Landscape Plan Description

Varied topography and rock outcrops characterize the existing natural environment of Plan. The landscaping within the project site has been designed to preserve and enhance the existing natural character of the site. **Figure 22, Conceptual Landscape Plan** is based on simplicity, utilizing a plant palette, reflected in **Table E, Plant Palette**, below, which respects and enhances the existing native plant communities through the use of native and appropriate non-native drought tolerant species. Complimentary to the landscape theme, the hardscape elements within the community, such as entry monuments, signage, walls, and fences, will evoke the same respect for the existing natural environment and ranch character of the project.

The proposed landscape character will be expressed throughout the community open spaces including streetscapes, community entries, and greenbelts. These community landscape elements will provide an overall continuity to the project.

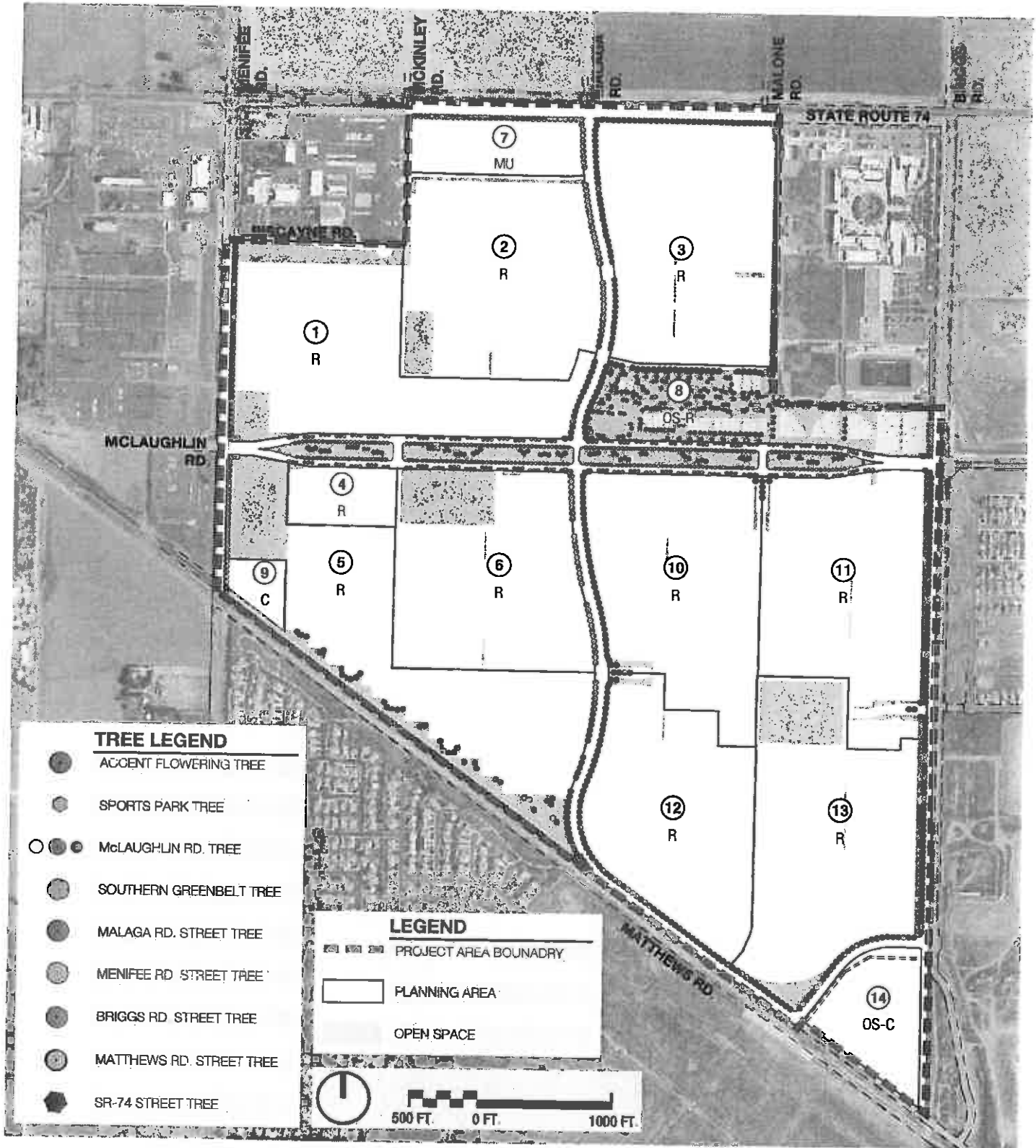
### 5.2 Plant Palette

The intent of these guidelines is to provide a simple plant palette that complements and enhances the natural setting for the community. In addition, these plant palettes have been selected for their appropriateness to climatic conditions, soil conditions and concern for maintenance and water conservation. Plant selection for given project areas shall have similar cultural requirements so irrigation can be designed to minimize water use and plant material can thrive under optimal conditions. These



plant palettes have been separated into distinct groups and are listed in the following table. All planting within the Plan shall be in accordance with the County of Riverside Guide to California Friendly Landscaping (Landscaping Guide), dated December 2009. Plant species that are prohibited by the Landscaping Guide shall not be allowed within any plan palettes within Plan, and all plantings shall avoid the use of invasive species near conservation areas.

FIGURE 22  
**CONCEPTUAL LANDSCAPE PLAN**



## 5.0 Landscape Design Guidelines

**Table E  
Plant Palette**

BOTANICAL NAME	COMMON NAME	PF <sup>±</sup>	STREETSCAPE (PARKWAYS & MEDIANS)	ENTRIES & INTERSECTIONS	LINEAR PARKS / PASEOS	BASIN / SWALE
<b>TREES</b>						
<i>Arbutus unedo</i>	Strawberry Tree	L		•	•	
<i>Brachychiton populneus</i>	Bottle Tree	L	•			
<i>Cercidium 'Desert Museum'</i>	Desert Museum Palo Verde	L		•	•	
<i>Chamaerops humilis</i>	Medium Fan Palm	L		•		
<i>Chilopsis linearis 'Arts Seedless'</i>	Desert Willow	L			•	
<i>Geijera parviflora</i>	Australian Willow	M	•			•
<i>Koelreuteria bipinnata</i>	Chinese Flame Tree	M	•			
<i>Lagerstroemia indica</i>	Crepe Myrtle	M		•		
<i>Olea europaea 'Swan Hill'</i>	Swan Hill Olive	L		•		
<i>Phoenix dactylifera</i>	Date Palm	L		•		
<i>Pinus eldarica</i>	Afghan Pine	L	•		•	
<i>Plantanus racemosa</i>	California Sycamore	M			•	•
<i>Platanus acerifolia 'Bloodgood'</i>	London Plane Tree	M	•			
<i>Pyrus calleryana 'Bradford'</i>	Bradford Pear	M	•			
<i>Quercus agrifolia</i>	Coast Live Oak	L		•		
<i>Rhus lancea</i>	African Sumac	L	•		•	
<i>Schinus molle</i>	California Pepper	L		•		
<i>Ulmus parvifolia</i>	Chinese Evergreen Elm	L	•			
<b>SHRUBS</b>						
<i>Baccharis centennial</i>	Centennial baccharis	L			•	•

## 5.0 Landscape Design Guidelines

**Table E  
Plant Palette**

BOTANICAL NAME	COMMON NAME	PF <sup>1</sup>	STREETSCAPE (PARKWAYS & MEDIANS)	ENTRIES & INTERSECTIONS	LINEAR PARKS / PASEOS	BASIN / SWALE
<i>Callistemon 'Little John'</i>	Little John Bottlebrush	L	•		•	
<i>Ceanothus concha</i>	California Lilac	L			•	
<i>Cistus pulverulentus 'sunset'</i>	Sunset Rockrose	L	•		•	
<i>Cotoneaster</i> species	Cotoneaster	M	•			
<i>Dietes bicolor</i>	Fortnight Lily	M		•		
<i>Elaeagnus pungens</i>	Silver Berry	L			•	
<i>Escallonia fradesii</i>	Pink Escallonia	M		•		
<i>Feijoa sellowiana</i>	Pineapple Guava	M		•		
<i>Hemerocallis</i> species	Day Lily	M	•	•		
<i>Hesperaloe parviflora</i>	Red Yucca	L	•		•	
<i>Heteromeles arbutifolia</i>	Toyon	L			•	
<i>Iris douglasiana</i>	Douglas Iris	M		•		
<i>Leucophyllum 'frutescens'</i>	Texas Ranger	L	•		•	
<i>Nandina domestica 'Compacta'</i>	Dwarf Heavenly Bamboo	M		•		
<i>Olea europaea 'Little Ollie'</i>	Little Ollie	L		•		
<i>Rosmarinus officinalis</i>	Rosemary	L	•		•	
<i>Phormium tenax 'Dwarf'</i>	Dwarf New Zealand Flax	M		•		
<i>Pittasporum tobira</i> and 'Wheeler's Dwarf'	Mock Orange	M		•		
<i>Prunus ilicifolia</i>	Hollyleaf Cherry	L			•	
<i>Salvia greggii 'Furman's Red'</i>	Furman's Autumn Red Sage	L	•		•	
<i>Salvia leucantha</i>	Mexican Bush Sage	L	•		•	

## 5.0 Landscape Design Guidelines

**Table E  
Plant Palette**

BOTANICAL NAME	COMMON NAME	PF <sup>1</sup>	STREETSCAPE (PARKWAYS & MEDIANS)	ENTRIES & INTERSECTIONS	LINEAR PARKS / PASEOS	BASIN / SWALE
<i>Xylosma congestum</i>	Xylosma	M		•		
<b>GROUNDCOVER</b>						
<i>Acacia redolens</i> 'Desert Carpet'	Dwarf Trailing Acacia	L	•		•	
<i>Baccharis pilularis</i> 'Pigeon Point'	Dwarf Coyote brush	L	•		•	•
<i>Juniper wiltonii</i>	Blue Rug Juniper	M		•		
<i>Myoporum parvifolium</i>	Myoporum	L	•	•		
<i>Rosa</i> 'Flower Carpet'	Flower Carpet Rose	M		•		
<i>Rosmarinus officinalis</i> 'prostratus'	Trailing Rosemary	L	•		•	
<i>Senecio mandraliscae</i>	Blue Chalk Sticks	L		•		
<b>GRASSES</b>						
<i>Carex spissa</i>	San Diego Sedge	L				•
<i>Juncus patens</i>	Common Rush	L	•			•
<i>Leymus condensatus</i> 'Canyon Prince'	Creeping Wild Rye	L		•		•
<i>Muhlenbergia capillaris</i> 'Regal Mist'	Regal Mist Muhly	L	•		•	
<i>Muhlenbergia rigens</i>	Deer Grass	M	•		•	•
<b>VINE</b>						
<i>Bougainvillea</i> 'Barbar Karst'	Barbara Karst Bougainvillea'	M		•		
<i>Distictus buccinatoria</i>	Blood Red Trumpet Vine	M		•		
<i>Macfadyena unguis-cati</i>	Cat's Claw Vine	L	•			
<i>Wisteria floribunda</i>	Wisteria	M		•		

# 5.0 Landscape Design Guidelines

**Table E  
Plant Palette**

BOTANICAL NAME	COMMON NAME	PF <sup>1</sup>	STREETSCAPE (PARKWAYS & MEDIANS)	ENTRIES & INTERSECTIONS	LINEAR PARKS / PASEOS	BASIN / SWALE
TURF GRASS - SEED						
Marathon II Sod		H		•		

**Notes**

1. "PF" denotes the plant factor. The following plant water use requirements are identified as follows:  
 L = Low  
 M = Moderate  
 H = High





### 5.3 General Landscape Design Guidelines

General landscape requirements are presented below and address a variety of topics such as drought tolerance, planting time, climate constraints, irrigation standards, lighting and landscape maintenance standards.

#### 5.3.1 Residential Lot Street Trees

Each residential lot shall receive a minimum of one (1) 15 gallon size street tree planted in the right-of-way or front yard. Corner lots shall receive a minimum of two (2) 15 gallon size street trees also planted in the right-of-way or front yard. Street trees planted along the right-of-way will be approximately forty feet (40 ') on the center although the spacing can vary with Planning Department approval. Tree varieties shall be chosen from the Plan's plant palette contained in **Table E**. Trees should be clustered near property lines to maximize their growing effect and streetscene impact. One (1) species of tree shall be selected and approved for each residential street



to maximize visual neighborhood identity. Deciduous or flowering evergreen accent trees that contrast with the chosen street trees are encouraged at cul-de-sacs, knuckles and intersections to provide seasonal emphasis and interest.

#### 5.3.2 Interior Slope Landscape

All interior slopes shall be landscaped and irrigated per the City of Menifee landscape standards. The merchant builder shall install all required slopes not designated as common area. Each builder should confirm the slope erosion control standards with the City of Menifee. All common area slopes will be per City of Menifee Standards.

#### 5.3.3 Lighting

All streets located within the Plan shall have uniform lighting standards with regard to style, materials and colors in order to ensure consistent design. Each residential planning area may develop its own lighting standards, provided that the selected lighting fixture style is used consistently throughout the planning area and is complementary to the style selected for the community as a whole. Lighting fixtures shall be well integrated into the visual environment and the appropriate architectural theme. All lighting fixtures within the Plan shall comply with the following regulations and provisions:



## 5.0 Landscape Design Guidelines

- 1) All outdoor lighting, including spotlights, floodlights, electrical reflectors and other means of illumination for signs, structures, landscaping, parking, loading, unloading and similar areas shall be focused, directed and arranged to minimize glare and illumination of streets or adjoining property. Low intensity, energy conserving night lighting is preferred.
- 2) Lights shall be of unbreakable plastic, recessed or otherwise designed to reduce the problems associated with damage and replacement of fixtures. Fixtures shall be vandal-resistant.
- 3) Neon and similar types of lighting are prohibited within all areas of the Plan.
- 4) All exterior lighting designs should develop a sense of hierarchy by varying fixtures and illumination levels. Proper lighting helps to define the organization of streets and also distinguishes vehicular and pedestrian circulation patterns. Entry areas (both pedestrian and vehicular), community facilities and highly used recreation areas shall be creatively lit to develop a sense of place and arrival.
- 5) All exterior lighting designs shall address the issue of security. Parking lots, pedestrian walkways, and building entrances shall be well lighted for security reasons.
- 6) All exterior lights should be shielded where feasible and focused to minimize spill light into the night sky or adjacent properties.
- 7) No freestanding lighting fixtures shall exceed twenty-five feet (25') in height.
- 8) Service area lighting shall be contained within the service yard boundaries and enclosure walls.
- 9) The lighting concept of the entry monumentation features is to illuminate the sign graphics and to gently wash the walls and pilasters with light. Concealed uplight fixtures should illuminate trees and other landscape features.
- 10) All electrical meter pedestals and light switch/control equipment shall be located with minimum public visibility, if possible, or shall be screened with appropriate plant materials.
- 11) The level of on-site lighting as well as lighting fixtures shall comply with any and all applicable requirements and policies of the City of Menifee. Energy conservation, safety and security should be emphasized when designing any light system.
- 12) All lighting shall conform to City of Menifee's "Dark Sky Ordinance" (Ordinance No. 2009-24 or as approved by the Planning Department).



### 5.3.4 Signage and Monumentation

Special landscaping and decorative signage is intended to highlight arrival to the Plan and provide a sense of place and quality design and is conceptually depicted in **Figure 23, Conceptual Monumentation**. A single thematic sign program for each planning area (or group of geographically related planning areas) should be developed. The design of this sign program must be incorporated with the master community landscape theme throughout the community. Prior to the installation of signs located within the project site, the Master Developer and City Planning Division must approve all signs. All signs must comply with the City of Menifee sign ordinances and guidelines.

### 5.3.5 Public Art

The Plan has a rich community history. As such public art incorporating such history or that of the community theme shall be encouraged at key gateways and public gathering places. Public art forms shall include but are not limited to plaques, murals, memorials, and sculptures.



### 5.3.6 Irrigation

All landscaped areas shall be watered with a permanent underground irrigation system, except for slopes which may have a permanent above-ground irrigation system. Irrigation systems, which adjoin a separate maintenance responsibility area, shall be designed in a manner to ensure complete water coverage between the areas. All irrigation shall comply with City of Menifee Municipal Code Chapter 15.04.

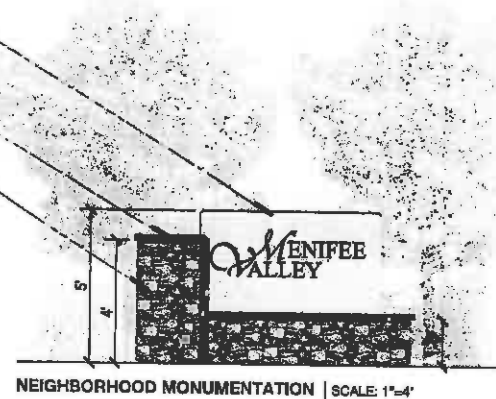
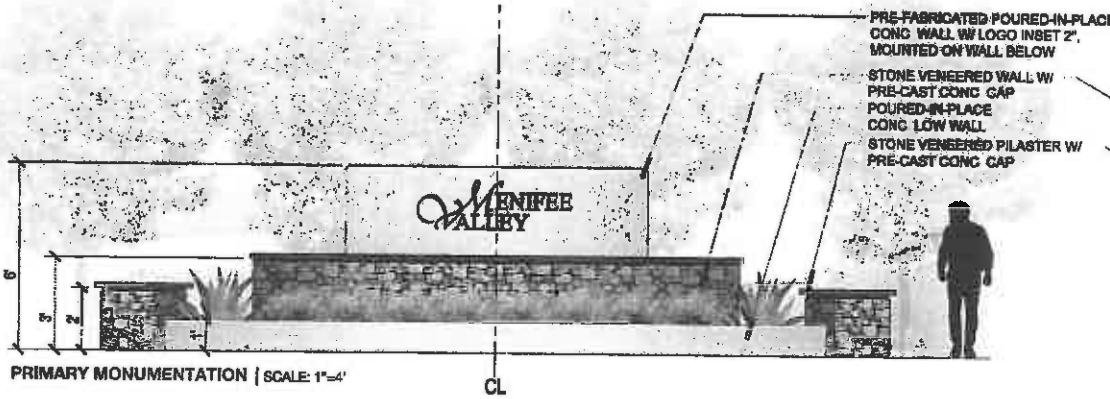
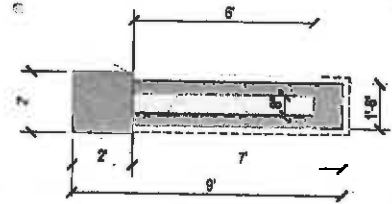
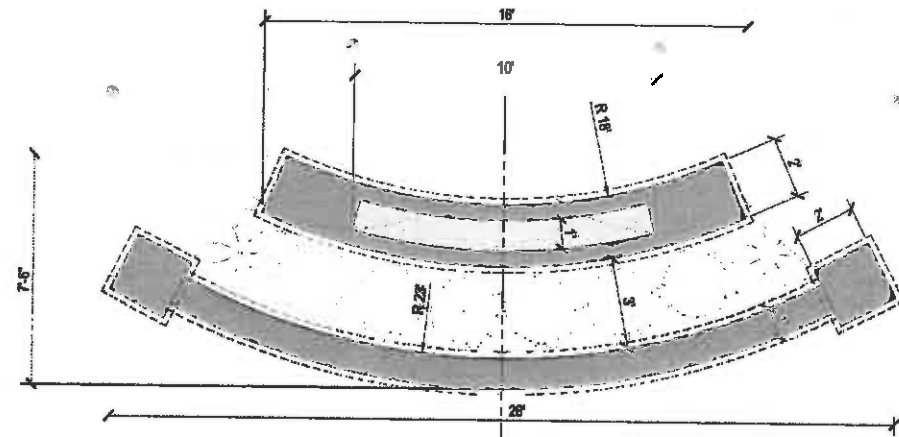
Proper consideration of irrigation system design and installation in the climate extremes of the Plan's area is critical to the success of the landscape investment. In particular, the combined summer elements of heat and wind must be carefully considered in proper irrigation design and equipment selection.

Overhead spray irrigation systems shall be designed with head to head 100 percent double coverage at a minimum. Native and drought tolerant slope areas will use a combination of spray and drip or bubbler irrigation for shrubs and trees. In addition, irrigation controllers should have a minimum time setting of one (1) minute and be capable of providing multiple repeat start times. All irrigation heads adjacent to walks, drives and curbs shall be of the pop-up type.

Irrigation backflow prevention devices and controllers shall be located with minimum public visibility or shall be screened with appropriate plant materials.



FIGURE 23  
MONUMENTATION



- PRE-FABRICATED POURED-IN-PLACE CONG WALL W/ LOGO INSET 2', MOUNTED ON WALL BELOW
- STONE VENERED WALL W/ PRE-CAST CONG GAP
- POURED-IN-PLACE CONG LOW WALL
- STONE VENERED PILASTER W/ PRE-CAST CONG CAP



## 5.0 Landscape Design Guidelines

### **Reclaimed Water**

Irrigation systems designed for use with both domestic and reclaimed water are encouraged. All irrigation systems for parks, open spaces, and common landscaped areas shall be designed to use reclaimed water.

### **Water Conservation**

- Drip and/or bubbler irrigation will be used where appropriate.
- Use of moisture sensors and/or central control irrigation systems may be incorporated where appropriate.
- Irrigation systems will be designed per AB325 guidelines.

### **5.3.7 Erosion Control**

All slope erosion control planting shall conform to the general requirements of the City of Menifee. The slope erosion control program establishes guidelines and criteria to protect newly created slopes of unvegetated areas from erosion or unsightliness. Within the Plan, four types of erosion control planting will exist subject to the direction and approval of the City of Menifee.

#### ***Permanent Ornamental Slopes – Public, Quasi-Public Maintenance***

These are permanent slope areas where permanent automatic irrigation systems, trees, shrubs and groundcovers are required. These slopes fall within roadway rights-of-way, those areas that are adjacent to the park or in other areas where a public, quasi-public maintenance entity will be responsible.

#### ***Permanent Ornamental Slopes – Private Lots***

On permanent individual homeowner lot slopes, permanent manual irrigation systems, trees, shrubs and/or groundcovers are required. Detailed plans shall be submitted in conjunction with grading plans for these slope areas pursuant to the Specific Plan criteria.

#### ***Naturalized Slopes***

Naturalized slopes are permanent slope areas to be naturalized. One gallon trees and shrubs with hydroseeded groundcover will be required. Irrigation will be in accordance with established City of Menifee criteria. Options for the naturalized slopes, which will be determined and assigned on future landscape plans, include no irrigation, permanent automatic irrigation systems, and temporary automatic or manual systems.

#### ***Temporary Slopes***

Temporary slopes shall be hydroseeded to prevent erosion during the rainy season. No irrigation is required. The seed mix shall be designed so that plant materials, when mature, vary in height and are spaced informally to soften slopes and avoid a hard edge condition on the project site.



### 5.3.8 Management Considerations

#### ***Drought Tolerance***

Although a plant may be drought tolerant, that plant still requires proper care, installation, watering and maintenance to maximize its drought tolerance capabilities.

- 1) **Degrees of Drought Tolerance:** There are degrees of drought tolerance with some plants able to withstand or go without water for a greater period of time than others.
- 2) **Plant Installation Water Demand:** Drought tolerant plants like other plants require more watering during the initial installation period and for at least a three month maintenance period to become established. Therefore, if drought tolerant plants are installed in the warmer months, more supplemental water will be required until the plant is established.
- 3) **Deep Watering Practices:** Drought tolerant plants like most plants need the proper deep watering practices to encourage deep root system development. Drought tolerant plants with a shallow root system resulting from frequent light applications of water will not be drought tolerant.
- 4) **Warmer Months Water Application:** Although a plant is labeled drought tolerant, summer watering is still required. The plant may have low water requirements. Depending upon the plant, drought tolerant plants will look better, thrive and survive the warmer months with infrequent deep watering.
- 5) **Full Season Plant Water Requirements:** After drought tolerant plants have grown a full season, the water application rate should be diminished and the drought tolerant plant allowed to survive on less water.
- 6) **Maintenance:** Drought tolerant and California native plants still need regular maintenance such as pruning, fertilizing, deep watering, and checking for pests and diseases.

#### ***Planting Time***

Due to the climate extremes within the Plan area, installation of plant materials during the winter months (December through March) and the summer/fall months (July through September) can be difficult. Container plant materials not acclimated to the area can easily suffer from damage or sun/heat exposure resulting in partial or entire foliage loss even though such materials are perfectly suited to the temperature ranges once established. If planting must be done during these difficult periods, plant establishment can be difficult and require a prolonged period of time.







## 5.0 Landscape Design Guidelines

### **Climate Constraints**

Plant material palettes for the Plan contained herein are compatible with the climatic setting of the area. The utilization of some materials, depending upon their site location, exposure and relationship to other influential factors may not be appropriate.

### **5.3.9 Maintenance Responsibility**

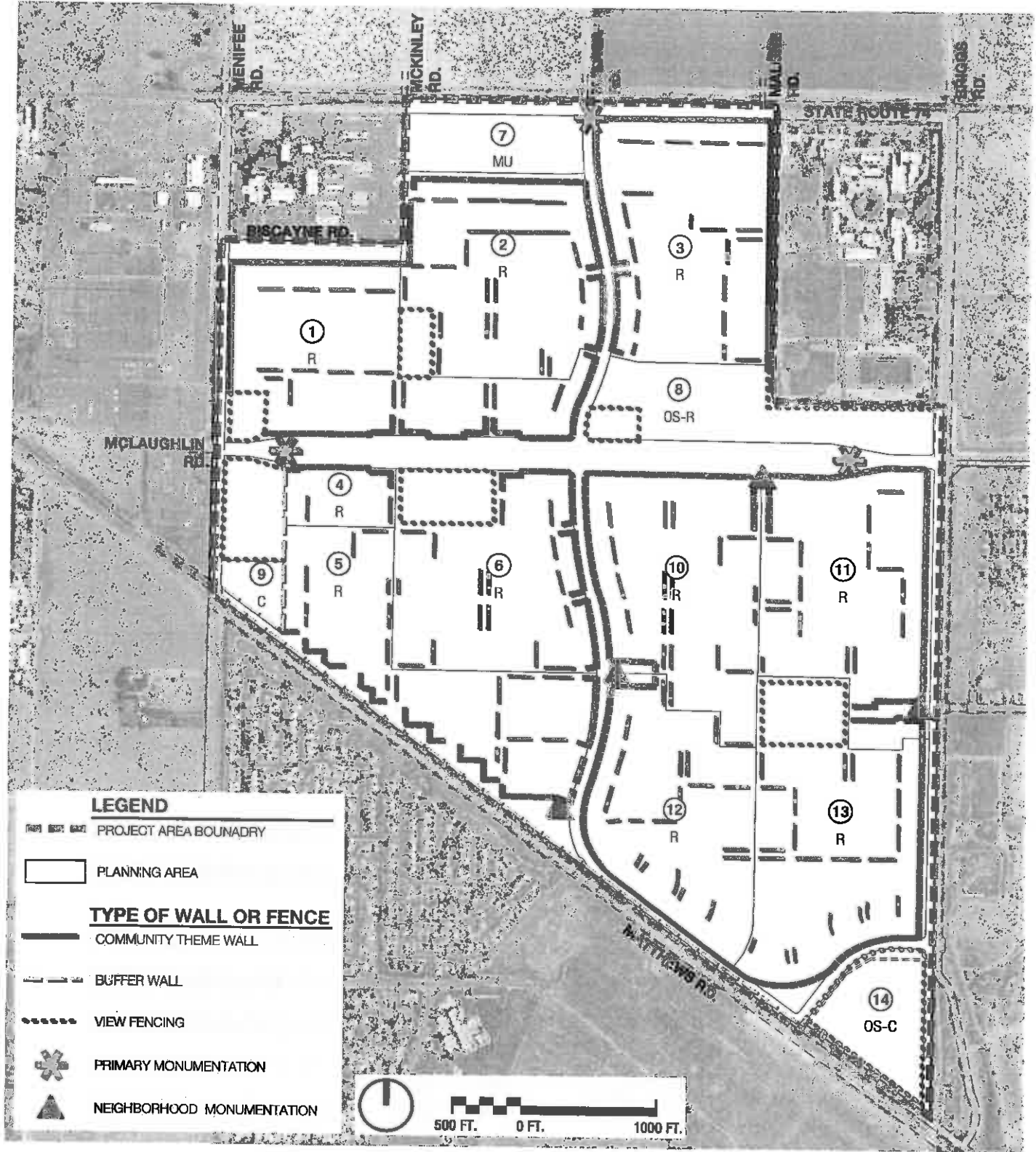
Maintenance of common areas and street scenes within the Plan will be provided by the City of Menifee or Home Owners' Association and shall be carried out per City of Menifee maintenance standards. All residential street trees planted in the right-of-way front, side and rear yards and interior slopes, less than eight (8) feet in height, will be maintained by the individual homeowners. Please refer to *Chapter 7.0, Administration and Implementation*, for further discussion of maintenance responsibilities.

### **5.4 Wall and Fence Plan**

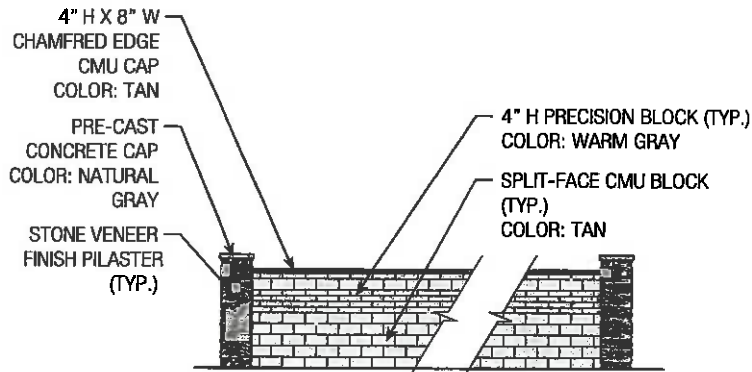
Walls and fencing are used throughout the Plan as reflected in **Figure 24, Conceptual Wall and Fence Plan**, to compliment the overall design, establish community identify, to provide visual and physical privacy sight lines for views as well as buffering between different uses, and to allow for privacy and security in residential areas. Four types of walls and fencing are proposed as reflected in **Figure 25, Wall and Fencing Types**, and are discussed in greater detail below. Illustrations are also provided for a visual reference. However, these are not exhaustive and wall and fence designs can be designed to reflect specific architectural styles.



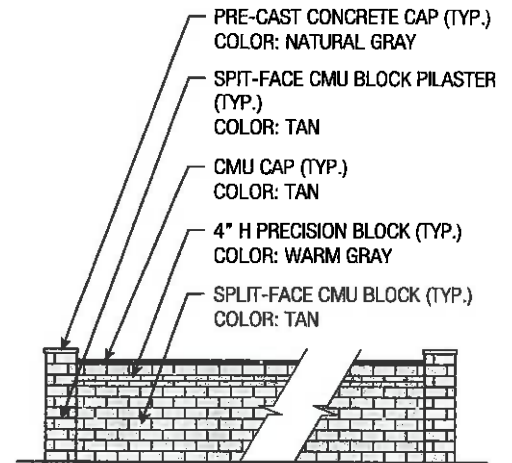
**FIGURE 24**  
**CONCEPTUAL WALL AND FENCE PLAN**



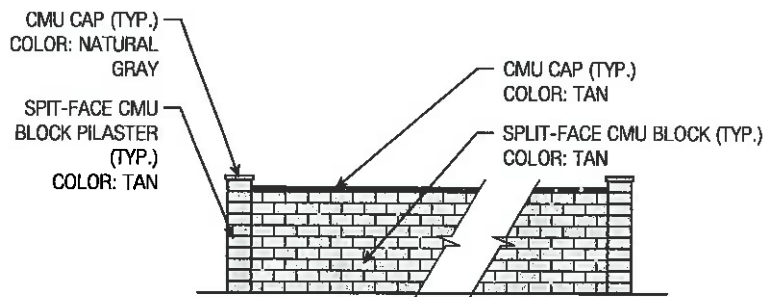
**FIGURE 25**  
**WALL AND FENCE TYPES**



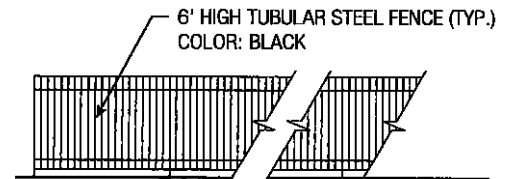
**(A-A)** ELEVATION A-A | COMMUNITY THEME WALL  
SCALE: 1"=10'



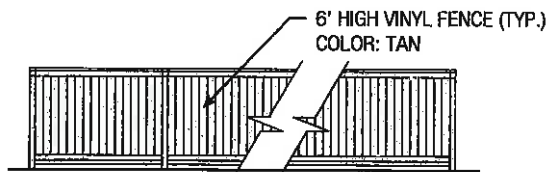
**(B-B)** ELEVATION A-A | BUFFER WALL  
SCALE: 1"=10'



**(C-C)** ELEVATION A-A | INTERIOR BLOCK WALL  
SCALE: 1"=10'



**(D-D)** ELEVATION A-A | VIEW FENCE  
SCALE: 1"=10'



**(E-E)** ELEVATION A-A | INTERIOR PROPERTY LINE FENCE  
SCALE: 1"=10'

### 5.4.1 Community Theme Walls

The community walls will define "private" and "public" spaces occurring along major roadways and in situations where privacy and security is desired or view opportunities are not available. They shall also occur on local streets where side or rear yard conditions face the street. Textured and/or colored masonry walls are anticipated, with masonry or concrete cap treatments. Plain concrete block walls, wood, stucco-covered or other like-material walls are not permitted along reverse frontage areas. Colors must be earth tones and complement the stone chosen for monumentation. A mortar wash finish over slump block is acceptable; however, the coloring must be approved by the Master Developer and be consistent throughout the project site. Stone pilasters may be used at focal points in lieu of masonry to match the stone used for entry monumentation. All walls shall have a minimum of three feet (3') of landscaping between the walls and any adjacent paving to allow for shrubs and vines. The use of ivy or other vegetative material is highly encouraged to reduce the likelihood of graffiti. Wall height should not exceed six (6) feet, unless necessary for noise attenuation or other special circumstance such as project entries.

### 5.4.2 Residential Theme Walls

Vinyl fencing will be used where privacy is desired in areas not adjacent to common open space and not adjacent to roadways in reverse frontage areas. Vinyl fencing will be allowed in side, front and rear yard conditions and in rear yard to rear yard conditions where slopes do not exceed twelve feet (12') in height.

Open tubular steel fencing or a combination of low wall and open fencing shall occur at the top of slopes greater than twelve feet (12') high where residential development is adjacent to natural or recreational open space. A combination two foot to three foot high solid wall base with a tubular steel fence section between solid pilasters is encouraged. In areas where safety or security conditions warrant more solid fencing, slump block walls are allowed in lieu of open tubular steel fencing or combination low wall/open fencing, subject to approval by the Community Development Director. Front yard return walls will be constructed of masonry (slump stone or material of similar appearance, maintenance and structural durability) and will be a minimum of five feet in height. Side yard gates are required on one side of the residential front yard, and shall be constructed of wrought iron, wood, or tubular steel.

### 5.4.3 Accent Walls and Fences

A PVC rail fence shall be used along any combination sidewalk/decomposed granite trail. This type of fencing will be periodically broken up with low boulder walls that will be constructed by stacking boulders retrieved from the project site during grading operations. These boulders will also be loosely strewn about along paseos and throughout greenbelts.





## 5.0 Landscape Design Guidelines

### 5.4.4 View Fencing

This type of fence is to be used for parks, schools, and other open space areas where some security and privacy is necessary for where view is desirable. View fencing is a 6 foot high fence constructed of tubular steel with slip face masonry pilasters. Fencing, up to 8 feet, around common area facilities is permissible for security purposes.



## 6.0 Architectural Design Guidelines

### 6.1 Purpose and Intent

This chapter contains the architectural design guidelines that provide a general framework for neighborhood, building and site design to express the desired character of the Plan, ensure a consistent level of quality, and accommodate emerging architectural and product trends, and support green building practices. Reflecting timeless town building principles, neighborhoods within the Plan will incorporate a variety of home designs within a pedestrian friendly environment, close to parks, open space, neighborhood commercial center and civic buildings. The neighborhoods will be designed to embrace comfortable human scale, visual charm, attractive landscapes and well-proportioned spaces formed by appropriately positioned and articulated architecture.

The purpose of the architectural design guidelines is as follows:

- Provide the City of Menifee with the necessary assurances that development within the Plan will attain the desired level of quality.
- Provide design guidance to the City when reviewing future development within the Plan.
- Serve as design criteria for use by planners, architects, landscape architects, engineers, builders and property owners who will be involved in the development of the Plan.
- Provide an architectural framework and clear direction without limiting the creativity of the designer.

The essence of good design is creativity and flexibility. The architectural design guidelines for the Plan are intended to foster these ideals and promote innovation, and should not be construed to be rigid standards that cannot be modified. The graphic representations contained herein are provided for conceptual illustration purposes only, and should be used as general visual aids in understanding the basic intent of the guidelines. They are not meant to depict actual neighborhood, lot or building design. To encourage creativity and innovation, the design guidelines express "intent" rather than "absolutes," thus allowing a certain degree of flexibility in architectural design that is consistent with the intended character for the Plan.



## 6.0 Architectural Design Guidelines

### 6.2 Residential Design Guidelines

#### 6.2.1 Neighborhood Design

One of the goals of the Plan is to integrate a variety of housing types into the overall community to assure a range of choices in price and lifestyle for future residents. In addition to providing housing diversity, neighborhood design should also consider the connectivity within and between the neighborhoods, how each neighborhood fits into the overall community, and visible edges of the neighborhoods. This lays the foundation for creating quality neighborhood design throughout the community.

Key elements of neighborhood design in the Plan include the following:

- A variety of housing opportunities for households of varying economic means, social needs and life stages.
- Internal connectivity that enhances the relationship of buildings to the street and promotes walkability.
- Neighborhoods designed at a “human scale” with architectural diversity and pedestrian friendly streetscape.
- Strong visual and physical connections with parks and open space amenities.

#### 6.2.2 Residential Building Typologies

The Plan is designed with flexibility to allow internal shifts in residential densities and housing types. A wide range of residential building types and sizes will be integrated within the community. Such integration not only creates a quality pedestrian environment by providing diversity and rhythm to the neighborhoods, but also enables a broad market of residents to purchase or rent homes within the community. The mix of detached and attached building typologies have the following key attributes that add to the diversity within the community:

- Single-family detached and cluster neighborhoods provide a broad spectrum of home types, from conventional front-loaded homes to rear- and court-loaded cluster homes. The ability to mix and match these home types throughout the Plan allows for small, diverse pockets of single-family residential design that add visual interest and variety.
- Multi-family attached residential neighborhoods, including duplexes/triplexes, townhomes and apartments, often resemble small villages, with the buildings generally oriented around public spaces such as open space areas and recreational amenities. Buildings often form linear edges or green courts, creating opportunities for pedestrian connectivity.



## 6.0 Architectural Design Guidelines

This section provides descriptions of the various building typologies envisioned within the Plan. **Table F, Appropriate Residential Building Typologies by Planning Area**, indicates the building typologies that are appropriate for each Planning Area. In addition to the building typologies listed in **Table F**, the Community Development Director may allow other building types that enhance diversity in streetscenes and housing opportunities, are consistent with the intent of the Specific Plan, are compatible with the surrounding neighborhoods, and meet the development regulations contained in *Chapter 3.0, Community Development Plan* of this Specific Plan.

Product Types <sup>1</sup>	Planning Areas		
	2, 3, 5 & 10-13	1, 4 & 6	7
<b>Single-Family Detached Homes</b>			
Conventional Single-Family Homes	●	●	
Front Loaded Z-Lot Homes	●	●	
Rear Loaded Homes	●	●	
<b>Detached Cluster Homes</b>			
Front Loaded Motor Court Cluster Homes	●	●	
Rear Loaded Paseo Cluster Homes	●	●	
<b>Attached Residential Buildings</b>			
Duplexes	●	●	
Triplexes	●	●	
Townhomes	●	●	
Stacked Flats		●	●
Additional building typologies that enhance diversity in streetscenes and housing types are permitted, provided they are consistent with the intent of the Menifee Valley Specific Plan, are compatible with the surrounding neighborhoods and meet the land use regulations contained in <i>Chapter 3.1</i> of this Specific Plan.			
<b>Notes</b>			
1. Allowable minimum lots sizes within each product type include 4,000 square feet, 5,000 square feet and 6,000 square feet.			

## 6.0 Architectural Design Guidelines

Residential building typologies within the Plan may be located on fee simple or condominium mapped lots. Detached condominiums, which are condominium units that are completely detached and share no adjoining walls, ceilings, floors or other attached architectural elements with the adjacent units, may be developed in the single-family neighborhoods as front loaded Z-lot homes, rear loaded homes and detached cluster homes. The extent of detached condominium ownership does not include the lot on which the building is located.

### **Single-Family Detached Homes**

Single-family detached homes come in a wide range of configurations and sizes. These homes are plotted with front doors that take access from the street. There are three primary types of single-family detached homes within the Plan: 1) conventional single-family homes, 2) front loaded z-lot homes, and 3) rear loaded homes, as described below. The plotting concept examples for each type are provided on the following pages. Other types of single-family detached homes are encouraged to enhance diversity in housing types, provided they meet the development standards of the underlying land use designations.

- **Conventional Single-Family Homes.** Conventional single-family homes are plotted on a wide range of lot sizes and configurations. Access to the front entries and garages of the homes are taken from the street.
- **Front Loaded Z-Lot Homes.** Front loaded Z-lot homes are designed to fit together along a shared property line by providing one home with a deeply recessed garage. Reciprocal use easements are used to maximize the side yard areas.
- **Rear Loaded Homes.** Rear-loaded homes are designed to take garage access from a shared court drive behind the home. Private yard space is provided in a side yard, a courtyard behind the front portion of the house, or behind the house between a detached garage and the home. Reciprocal use easements may be used to maximize side yard areas.



*Conventional Single-Family Home*



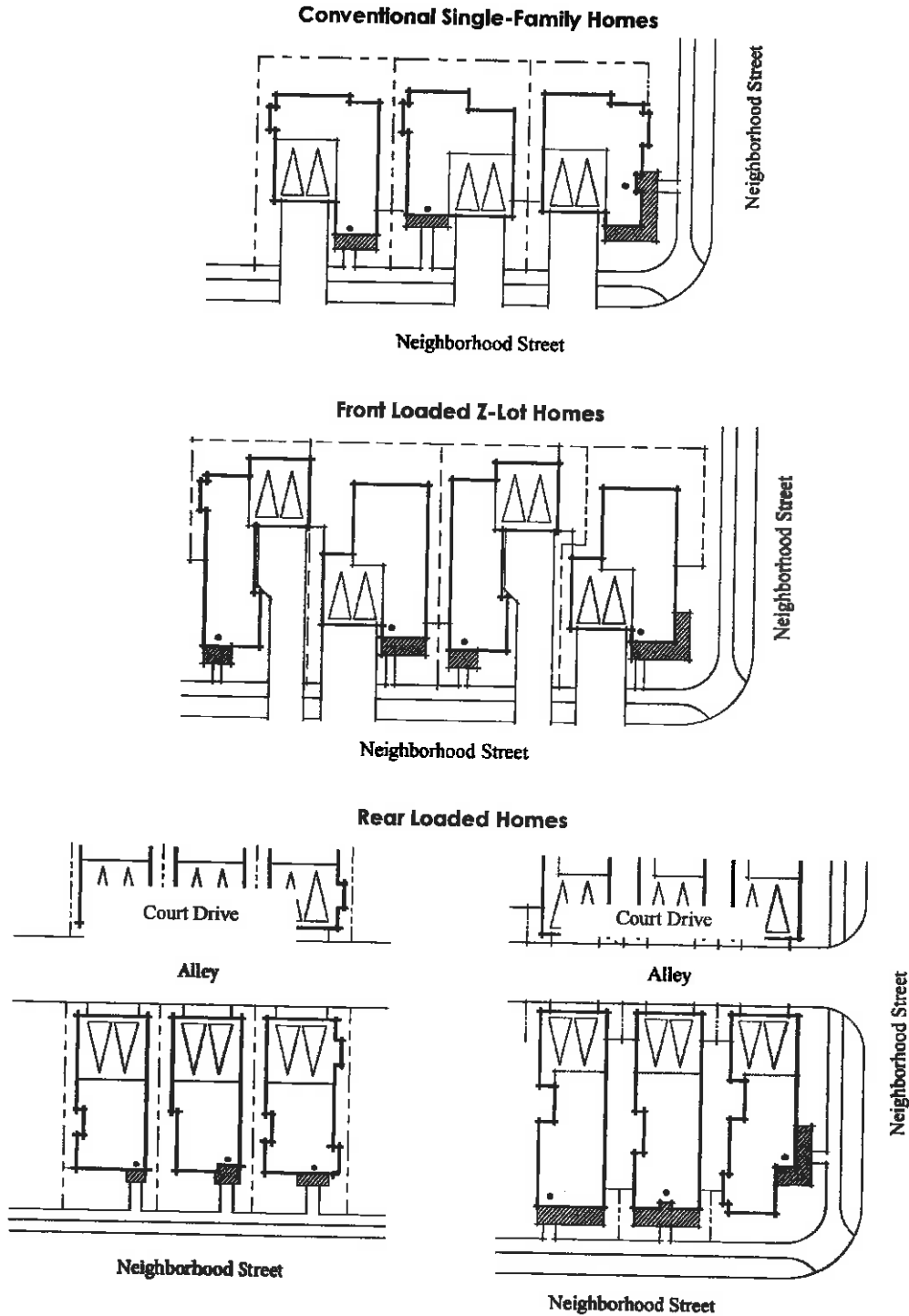
*Front Loaded Z-Lot Home*



*Rear Loaded Home*

# 6.0 Architectural Design Guidelines

**Figure 26, Plotting Concept Examples – Single-Family Detached Homes**



*Note: The above diagrams are for illustrative purposes only. Floor plans and plotting may vary in actual design, and additional building types may be permitted as described in Section 6.2.1. Reciprocal use easements may be used to maximize yard areas.*



## 6.0 Architectural Design Guidelines

### **Detached Cluster Homes**

Detached cluster homes refer to a group of detached dwellings clustered around a common feature such as a shared driveway, paseo or open space area. Detached cluster homes can be large or small in size, and are designed to provide alternatives to conventional single-family homes. These homes offer single-family detached living opportunities and private yard areas at more attainable costs, and improve the streetscene by removing garages from the street. There are two primary types of detached cluster homes within the Plan, including front loaded motor court homes and rear loaded paseo homes. Typical configurations of single-family detached clusters are depicted on the following pages; however, other configurations are encouraged to provide diversity in lifestyle and housing type, provided they meet the development standards of the underlying land use designations.

- **Front Loaded Motor Court Cluster Homes.** Front loaded motor court cluster homes are detached dwellings clustered around a motor court. The cluster group typically includes 4 to 8 units, although some clusters could accommodate 10 or 12 units. The dwelling unit entries face either the motor court or the street, and the private outdoor living space occurs in the side and rear yards. Reciprocal use easements may be used to maximize the side yard areas. Resident parking spaces are provided in the garages, and guest parking is provided on adjacent local streets or designated on-site parking areas. Access to the garages is via the private motor courts or streets. The motor court may be linear or "T-shaped."
- **Rear Loaded Paseo Cluster Homes.** Rear loaded paseo cluster homes are detached dwellings surrounding a green court, paseo or open space. The cluster group typically includes 4 to 8 units, although some clusters could accommodate 10 or 12 units. The unit entries and walkways face either the green court, paseo, open space or street. Reciprocal use easements may extend along private spaces on the sides of the buildings. Resident parking spaces are provided in garages, and guest parking is provided on local streets or designated on-site parking areas. Access to the garages is via a court drive or street.



*Front Loaded Motor Court Cluster Homes*



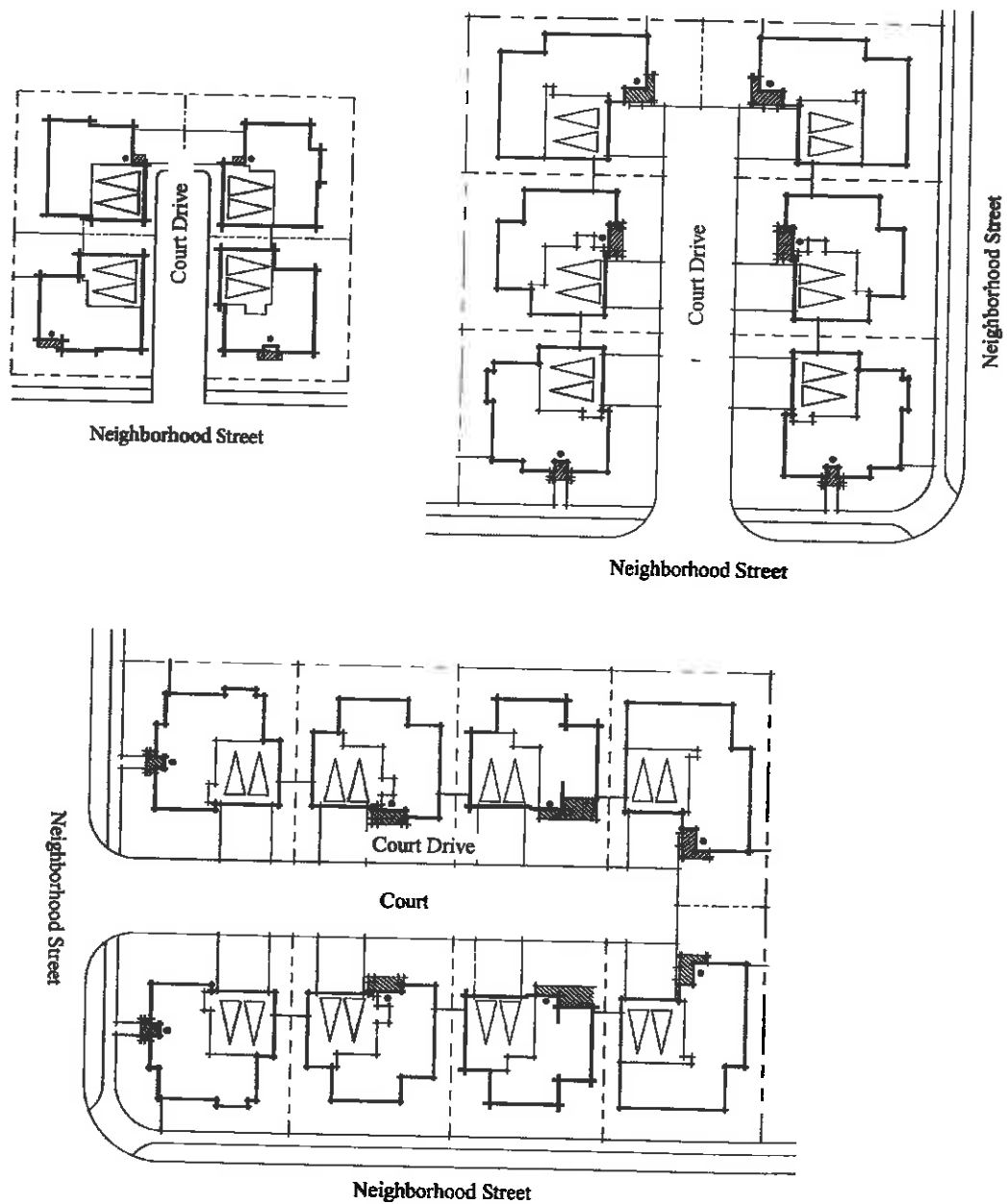
*Rear Loaded Paseo Cluster Homes*



## 6.0 Architectural Design Guidelines

Figure 27, Plotting Concept Examples – Detached Cluster Homes

### Front Loaded Motor Court Cluster Homes



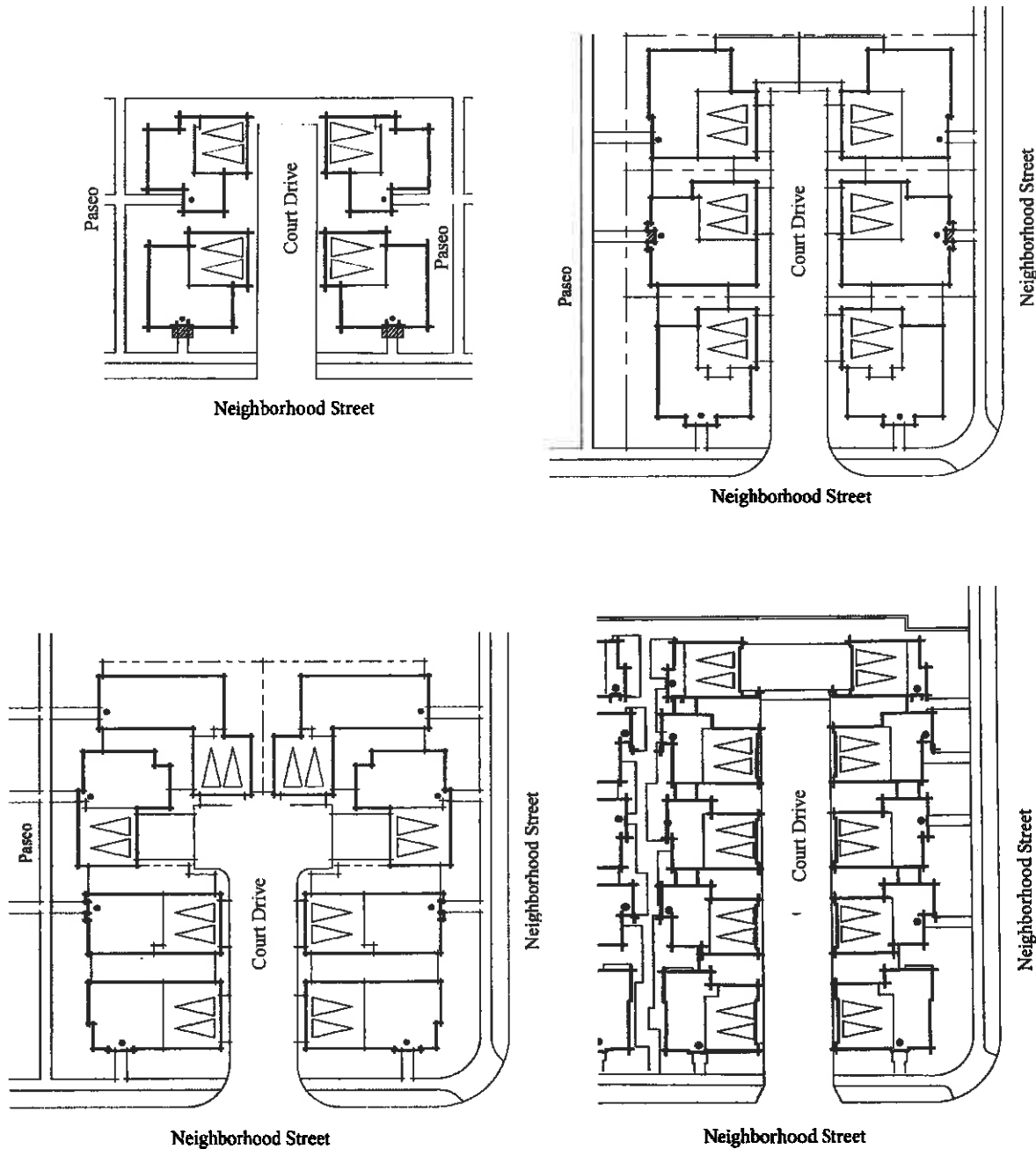
*Note: The above diagrams are for illustrative purposes only. Floor plans and plotting may vary in actual design, and additional building types may be permitted as described in Section 6.2.1. Reciprocal use easements may be used to maximize yard areas.*



## 6.0 Architectural Design Guidelines

Figure 28, Plotting Concept Examples – Detached Cluster Homes

### Rear Loaded Paseo Cluster Homes



Note: The above diagrams are for illustrative purposes only. Floor plans and plotting may vary in actual design, and additional building types may be permitted as described in Section 6.2.1. Reciprocal use easements may be used to maximize yard areas.



## 6.0 Architectural Design Guidelines

### **Attached Residential Buildings**

Attached residential buildings consist of two or more dwelling units that share a common wall. There are a variety of configurations within this category of residential buildings, ranging from duplexes and townhomes to stacked units. Some examples are provided on the following pages, but other configurations of attached buildings are encouraged to provide diversity and a variety of housing choices, provided they meet the development standards of the underlying land use designations.

- **Duplexes and Triplexes.** Duplexes and triplexes are two and three individual dwelling units that are attached to each other. The dwellings' entries face the street or paseo. Private open space is provided in yards, patios, courtyards or upper floor balconies.
- **Townhomes.** Townhomes are a collection of attached homes with shared walls and individual entries leading to a sidewalk, pedestrian path or paseo. Private open space is provided in patios, courtyard or upper floor balconies. Resident parking spaces are provided in garages, and guest parking spaces are provided on local streets or in designated parking areas. Garage access is typically provided via a motor court with shared driveways. When townhomes are combined with stacked flats or carriage units, they may include private rear yards and have entries facing the motorcourt.
- **Stacked Flats.** Stacked flats are attached multi-family dwellings with shared walls and individual unit entries accessed from sidewalks, pedestrian paths, or interior hallways or courtyards. The automobile access is via a private court drive. Resident parking spaces are provided in individual garages or designated on-site parking areas, and guest parking spaces are provided on local streets or in designated parking areas.



Duplexes



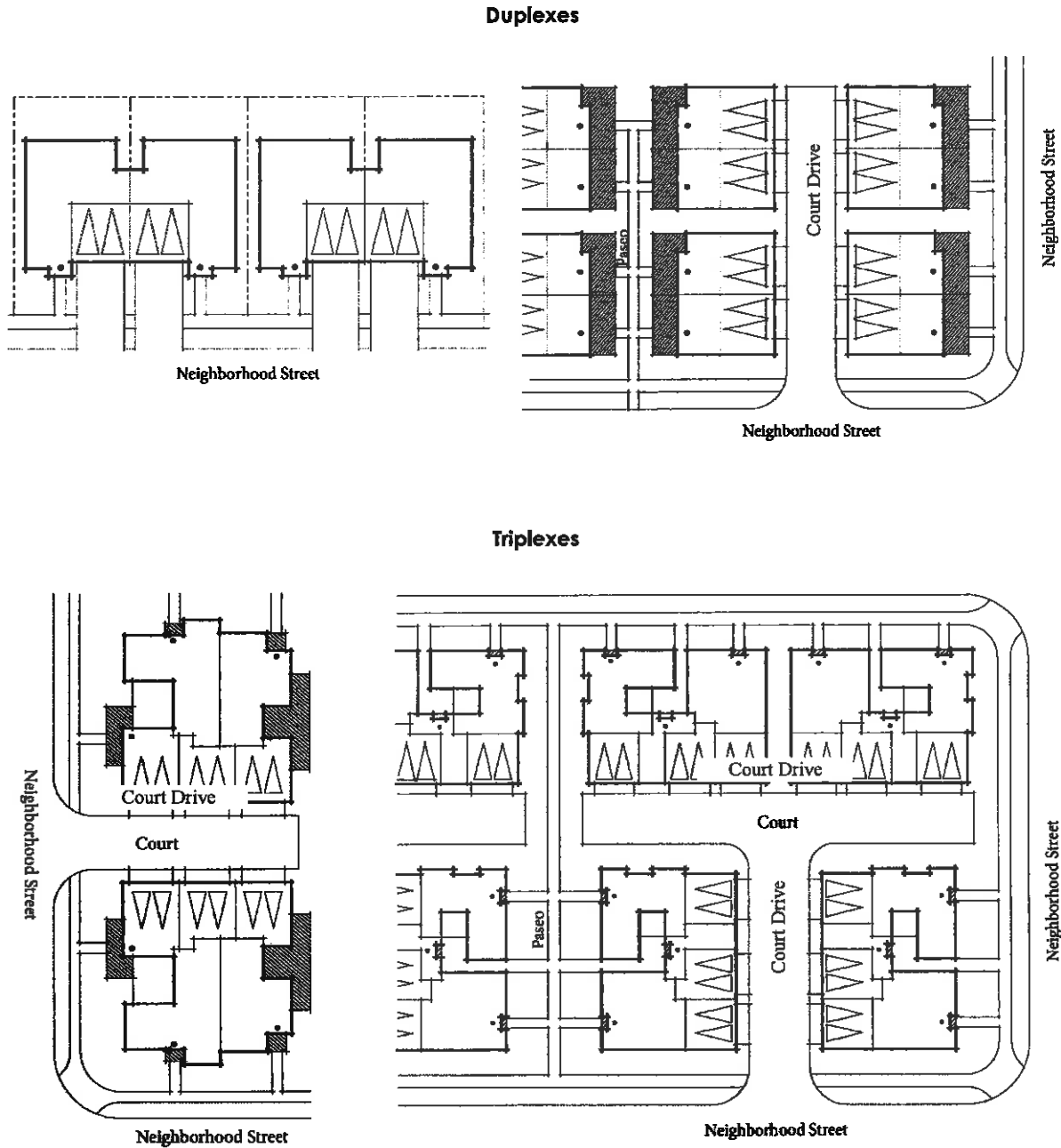
Townhomes



Stacked Flats

## 6.0 Architectural Design Guidelines

**Figure 29, Plotting Concept Examples – Attached Residential Buildings**

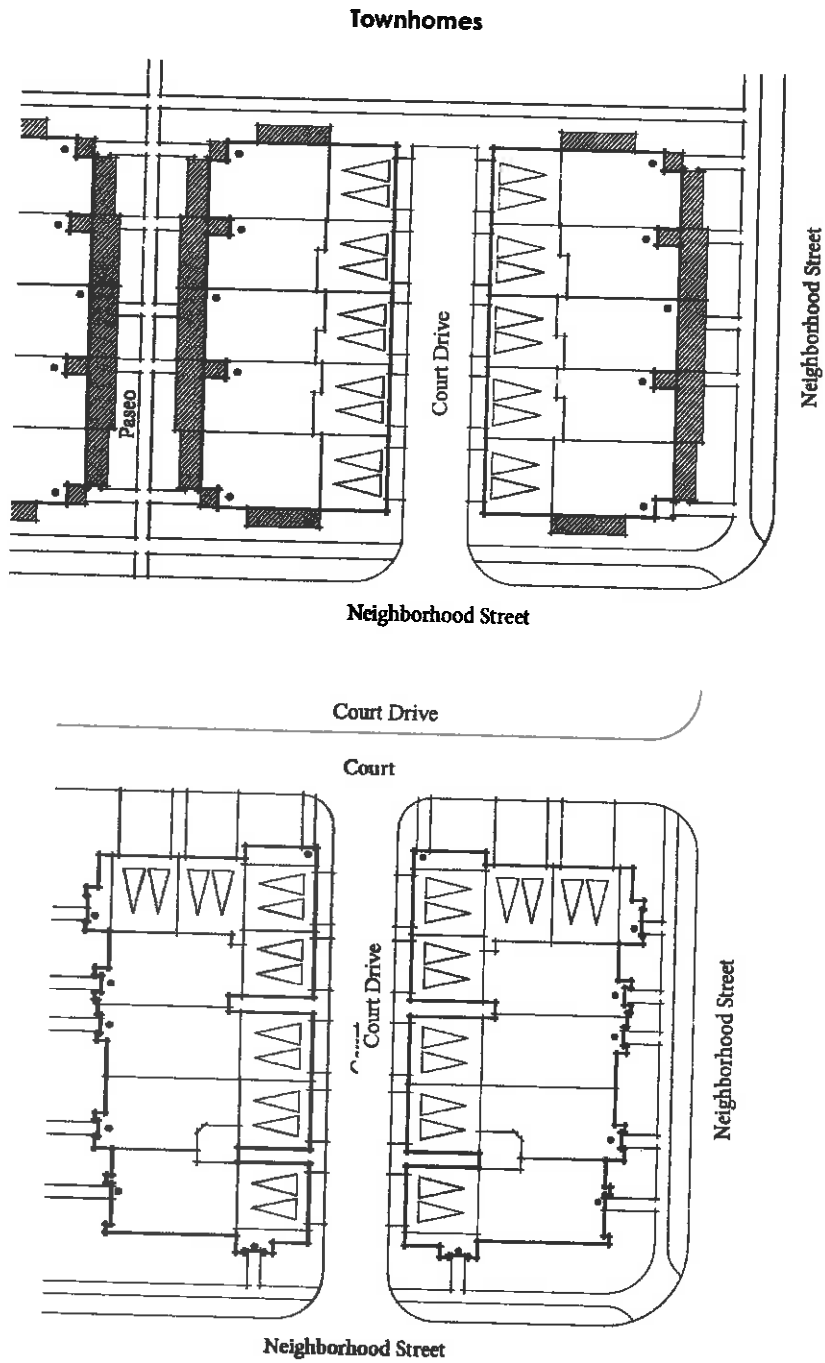


*Note: The above diagrams are for illustrative purposes only. Floor plans and plotting may vary in actual design, and additional building types may be permitted as described in Section 6.2.1.*



# 6.0 Architectural Design Guidelines

Figure 30, Plotting Concept Examples – Attached Residential Buildings

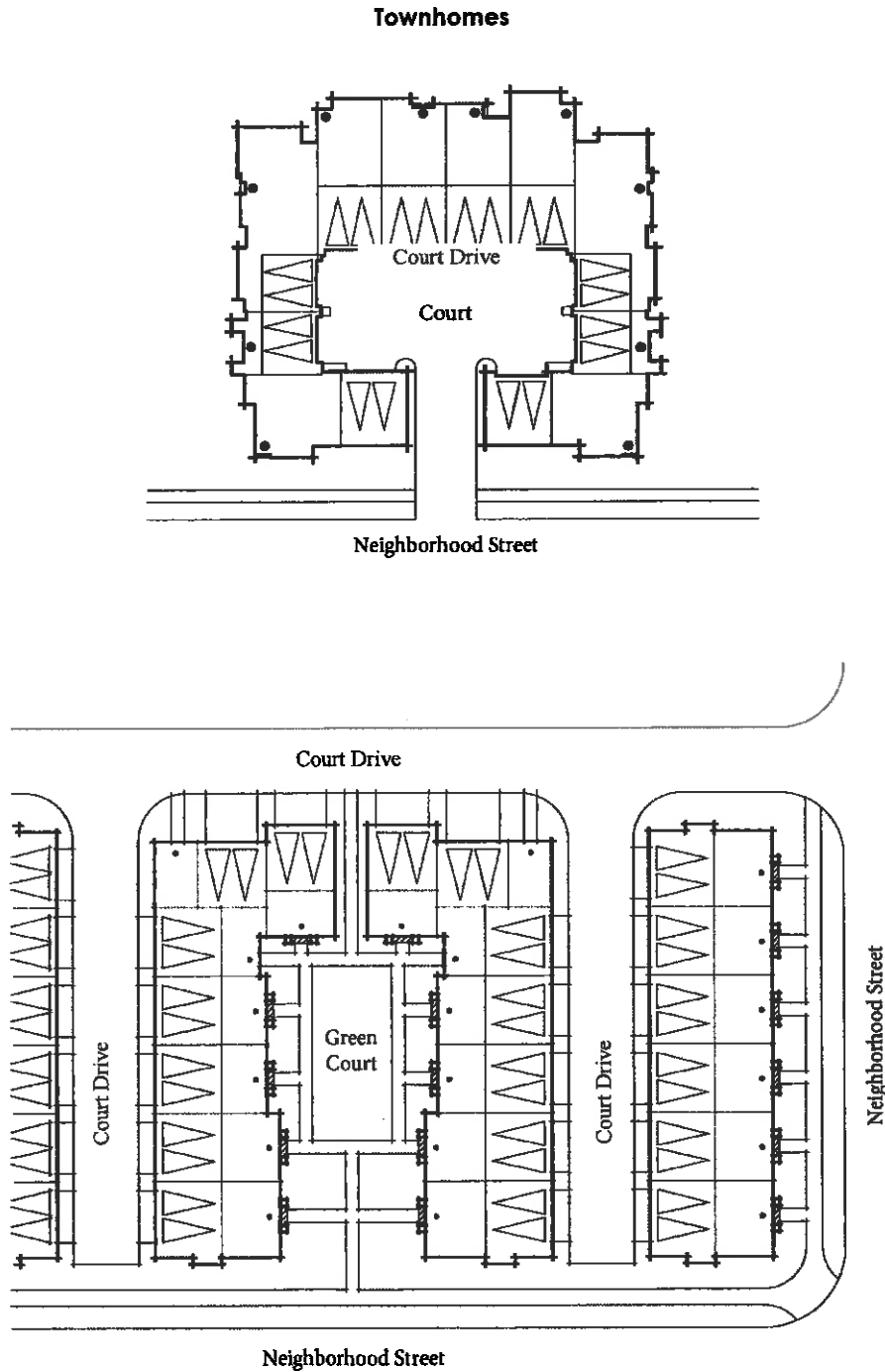


Note: The above diagrams are for illustrative purposes only. Floor plans and plotting may vary in actual design, and additional building types may be permitted as described in Section 6.2.1.



## 6.0 Architectural Design Guidelines

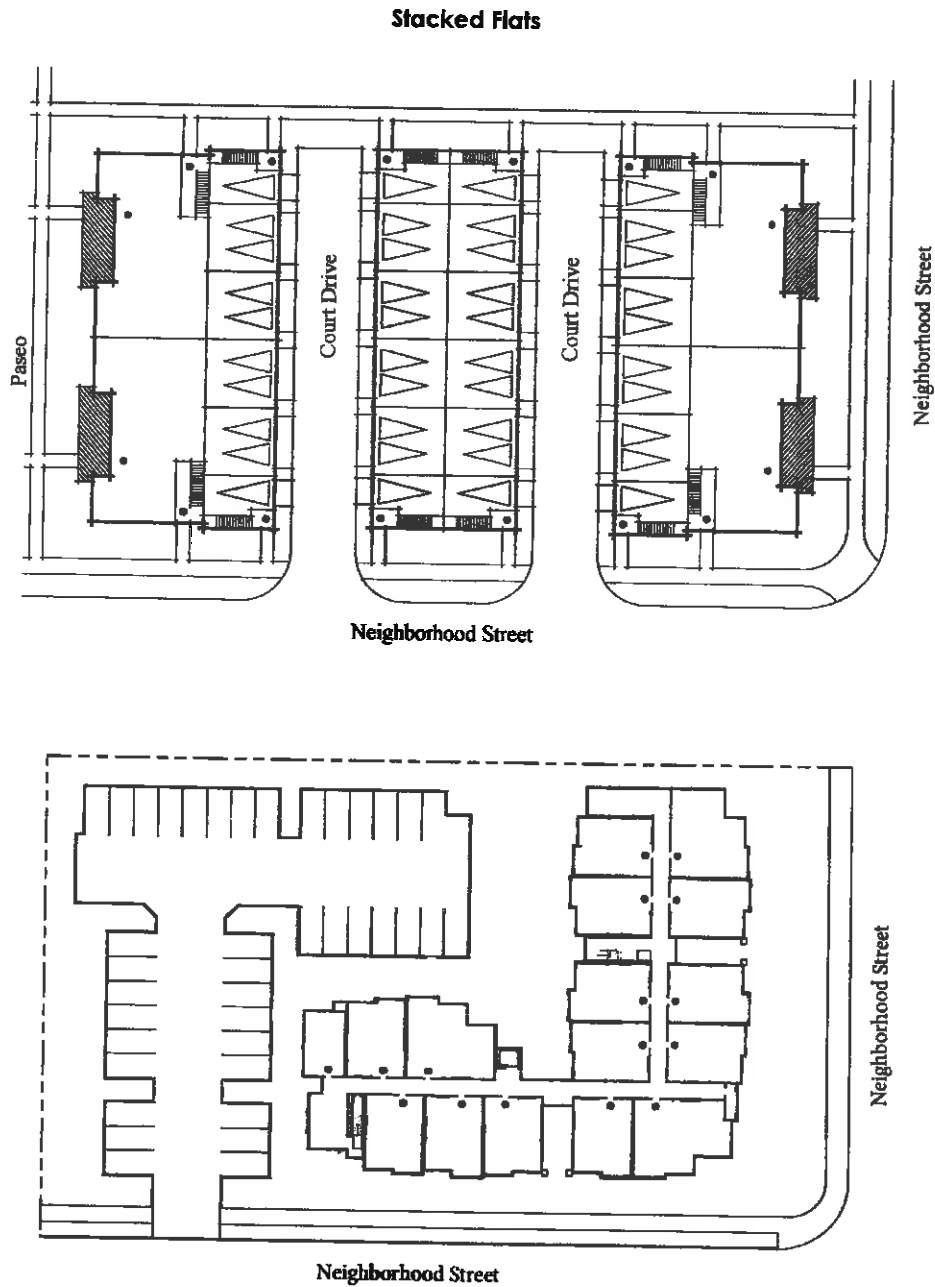
Figure 31, Plotting Concept Examples – Attached Residential Buildings



*Note: The above diagrams are for illustrative purposes only. Floor plans and plotting may vary in actual design, and additional building types may be permitted as described in Section 6.2.1.*

## 6.0 Architectural Design Guidelines

Figure 32, Plotting Concept Examples – Attached Residential Buildings



*Note: The above diagrams are for illustrative purposes only. Floor plans and plotting may vary in actual design, and additional building types may be permitted as described in Section 6.2.1.*



## 6.0 Architectural Design Guidelines

### 6.2.3 Livable Streets

Attractive, safe and walkable streets will be provided throughout the community. Although street patterns and character in Menifee Valley may vary based on the surrounding building typologies, streets should generally be animated by active architecture with a diversity of streetscapes, parks and open space.



Homes in Menifee Valley will be designed to have a direct relationship to the street. Residents should have direct views of the street and outdoor living space to enhance the sense of security. This can be achieved by orienting rooms, doors and windows toward streets and public areas, or by having residences "open up" to the street through incorporation of architectural elements such as front stoops and porches.

Streetscape design may include parkways with tree plantings along the streets, and paseos and sidewalks for pedestrian connectivity, where feasible. Streets in the residential neighborhoods should have sidewalks separated from the curbs with street trees in the landscape parkway. The goal is to create intimate, socially interactive and secure neighborhoods that encourage street activity, promote walking and allow convenient access to parks, recreational facilities and shopping.

To create "livable streets," it is also necessary to control traffic and reduce speed. The roundabouts located on McLaughlin Road near the community entries will force vehicles to slow down as they enter the community, and offer opportunities for landscaping and signage elements that enhance the community design aesthetic. Narrower street cross sections and on-street parking will help calm traffic in residential neighborhoods. Together, these design features will enhance pedestrian safety and provide a pleasant environment for walking within and between neighborhoods, as well as to the parks, open space, retail and other focal areas within the community.

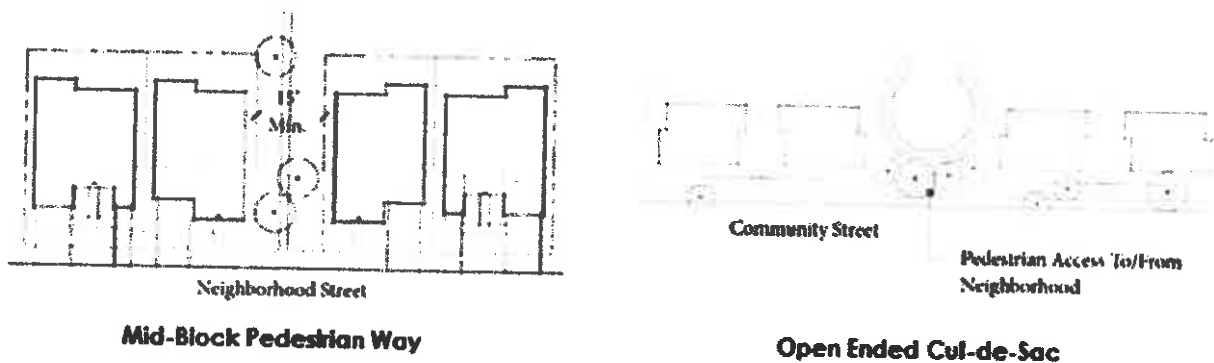


## 6.0 Architectural Design Guidelines

### 6.2.4 Pedestrian Connectivity

Within Menifee Valley, pedestrian pathways facilitating strong connectivity among the residential neighborhoods and to the community amenities such as retail, parks and recreational facilities should be provided. These pathways can be in the form of paseos or sidewalks. Mid-block pedestrian ways providing pedestrian access at mid-block points can be utilized as an alternative walking route through a neighborhood. Open-ended cul-de-sacs can also be used to enhance pedestrian connectivity without allowing for auto circulation to cut through. By creating an open ended bulb, the cul-de-sacs not only allow for pedestrian travel, but also provide view corridors into and out of neighborhoods, thus creating a more open neighborhood feel. Examples of these ideas are reflected in **Figure 33, Pedestrian Connectivity**, below.

**Figure 33, Pedestrian Connectivity**

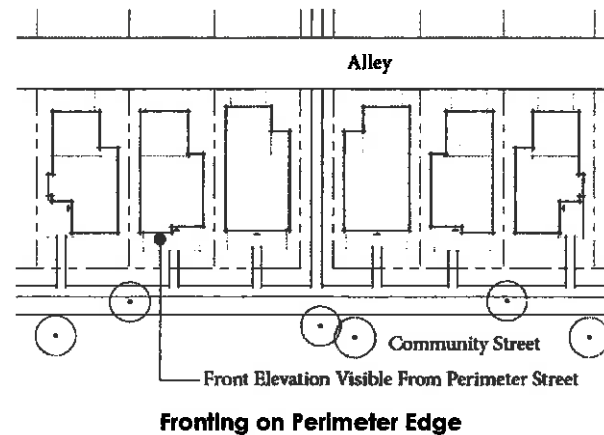


## 6.0 Architectural Design Guidelines

### 6.2.5 Visible Edges

Neighborhood identity is closely tied to its interaction with streets, parks, recreation and open space networks and edge conditions. The defining character of the Menifee Valley community should incorporate an "open," pedestrian friendly edge. Buildings located along the streets, parks, trails and perimeter edges should incorporate architectural enhancements to the elevations that are exposed to public view. Architectural enhancements for buildings located along these visible edges are subject to City review and approval as part of the Plot Plan Review.

To the extent practical, neighborhood edges along McLaughlin Road within the community should have front elevations facing the perimeter streetscape to avoid a "walled-in" appearance. This can be achieved by plotting rear loaded homes with the front elevations exposed to the street edges. In this condition, walls or fences may be located between buildings only, except that low decorative walls or fences up to 42 inches in height are permitted in the front setback areas.



## 6.0 Architectural Design Guidelines

### 6.3 Building and Site Design

The intent of the following residential building and site design guidelines is to ensure the creation of a high quality and pedestrian friendly community, with diverse neighborhoods and a cohesive sense of place. Not only do these guidelines ensure a high level of quality in function and visual appearance, but they also encourage architectural character that creates variety and compatibility, thus enhancing the community's overall appeal and value.

Buildings within the Plan will be designed to meet or exceed the applicable standards set forth in the most current edition of California Building Standards Code - California Energy Code (Title 24, Part 6) and California Green Building Standards Code (Title 24, Part 11). Other sustainable design practices are also encouraged, such as the use of simple massing forms and efficient framing techniques, rapidly renewable resources, and durable material that require less frequent replacement. Universal design in housing is also encouraged to create accessible spaces that serve the needs of the aging seniors and people with disability, particularly in the Age Qualified neighborhoods. Additionally, "Crime Prevention through Environmental Design" (CPTED) elements should be incorporated into building and site design to facilitate natural surveillance, access control, territorial reinforcement and proper common area maintenance.

#### 6.3.1 Architectural Styles

- 1) While the landscaping, fencing and signage will have a common design theme throughout the Plan, a variety of architectural styles is envisioned for buildings within the community.
- 2) Although various architectural styles are intended to coexist in the overall community, only compatible styles should be mixed within a single Planning Area to ensure consistency in neighborhood character. Contemporary interpretation of traditional styles is permitted.
- 3) Building massing, roof forms, details, materials and colors should demonstrate authenticity of style to avoid "stage-front" architecture.
- 4) The selection of architectural styles should be appropriate for the building typology.

## 6.0 Architectural Design Guidelines

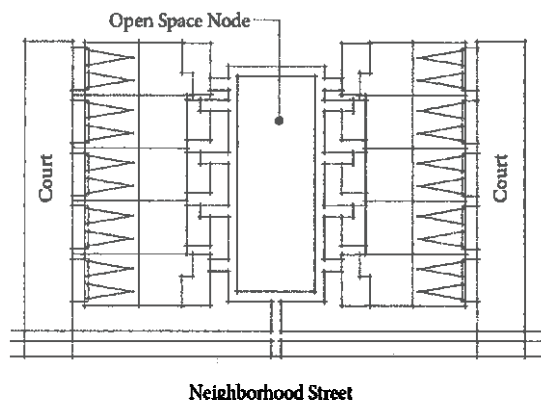
### 6.3.2 Building Placement and Orientation

- 1) Orient buildings to face and frame the street to create a pedestrian friendly streetscape, as appropriate to the building typology.
- 2) Careful consideration should be given to street orientation and building placement to help protect privacy, views and the visual quality of the neighborhood, and maximize solar access of the buildings where feasible and reasonable.



*Dwellings fronting onto the street*

- 3) Plot buildings to emphasize diversity and scale along the street and avoid visual monotony. Interest can be achieved by varying setbacks, using different plan forms and elevations on adjacent buildings, incorporating single-story elements and utilizing different garage placements. A sense of undulation in building setbacks can be achieved by incorporating massing offsets within a building footprint to create varied setbacks to different parts of the building, or by encouraging staggered front and/or rear setbacks on adjacent homes. The inclusion of rear loaded homes and single-family cluster homes within the Plan also helps increase diversity and promote a pedestrian-oriented streetscene, as these home types minimize garage visibility and driveway curb cuts along the street.
- 4) Where feasible, arrange groups of attached residential buildings in clusters around outdoor spaces such as courtyards, pathways and other gathering spaces and connections that encourage social activity and promote pedestrian connectivity.



**Attached Homes Oriented Toward Open Space Node**

- 5) Arrange attached residential buildings and site landscaping in such a way that they screen parking areas from public view and minimize the impact of parking lots and garages on the public streetscape.

## 6.0 Architectural Design Guidelines

### 6.3.3 Form and Massing

- 1) Create simple floor plans that can be built efficiently and achieve high performance by starting with simple building forms and massing which reflect the selected architectural style, then adding smaller, secondary massing elements to relieve massing and break up the primary forms.
- 2) Avoid flat, unarticulated walls and limit the bulk of the building elevations by providing vertical and/or horizontal staggers consistent with the architectural style of the building.
- 3) Vary setbacks from the street to massing elements to create movement and diversity in the front setback. This could be achieved by incorporating horizontal and vertical massing breaks on individual buildings, providing single-story elements or upper-story massing offsets such as balconies or a cantilevered second story, varying garage door locations, altering plan configurations within the neighborhood, or using other similar massing and plotting techniques.
- 4) Incorporate single-story elements such as porches, single-story living space, pop-out gable elements, etc., where appropriate to the architectural style, to add variety to the streetscene and establish pedestrian scale.
- 5) Provide variation in floor plans, unit types and roof forms to add visual interest to the neighborhood.
- 6) Where appropriate, design the front elevation of attached residential buildings to clearly delineate individual units as a way of breaking up mass.
- 7) Encourage 3-story attached residential buildings to allow for less horizontal massing along the street. Stepping back or incorporating recesses at the upper floors of the buildings is encouraged to help reduce massing. Consider stepping down corners and ends of large multi-family buildings in scale at highly visible locations to soften the building edges and enhance the streetscene, where appropriate.
- 8) Avoid long, massive multi-family buildings by limiting individual building lengths. This can be achieved by breaking buildings up into a collection of smaller, related buildings with paseos, courtyards or similar spaces in between.



*Varied building massing, staggered wall planes and single-story elements*





## 6.0 Architectural Design Guidelines

- 9) Where multi-family buildings are located adjacent to single-family homes, minimize impacts on adjoining residences with a sensitive transition in scale, massing and height, and design the transition to ensure resident privacy.



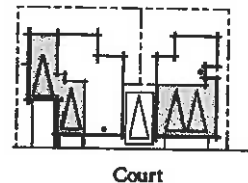
## 6.0 Architectural Design Guidelines

### 6.3.4 Garage Placement and Parking Areas

- 1) Incorporate a variety of garage placement options in the detached residential neighborhoods, including, but not limited to, front-loaded shallow-, mid- and deep-recessed garages, turn-in garages, split garages, tandem garages and court-loaded garages. Garages should generally be set behind the front face of the building, or be oriented to the motor courts. Roll-up doors are required for all garages. The use of garage doors with windows on the top panels is encouraged but not required.
- 2) In motor courts, landscape planting areas should be provided along court drives to soften the building appearance. Garage driveways must be greater than or equal to five (5) feet in length or less than or equal to 18 feet in length (full driveway). The minimum distance between the garage doors across the court drive shall be 30 feet. Guest parking spaces may be located between the buildings (as shown in the photo and diagram below), in designated parking areas or along the street.
- 3) Parking for attached residential buildings may be provided within individual garages or group parking areas. Where parking is not incorporated within the buildings, small, dispersed parking areas are preferred over large, undivided parking lots.
- 4) Locate parking spaces close to the residential units which they serve.
- 5) Parking area access and internal circulation for multi-family residential complexes should be designed to ensure safety, efficiency and convenience. Avoid conflicts between vehicles and pedestrians, and provide adequate areas for maneuvering, stacking and accommodating emergency vehicles.



*Guest parking space  
between buildings*

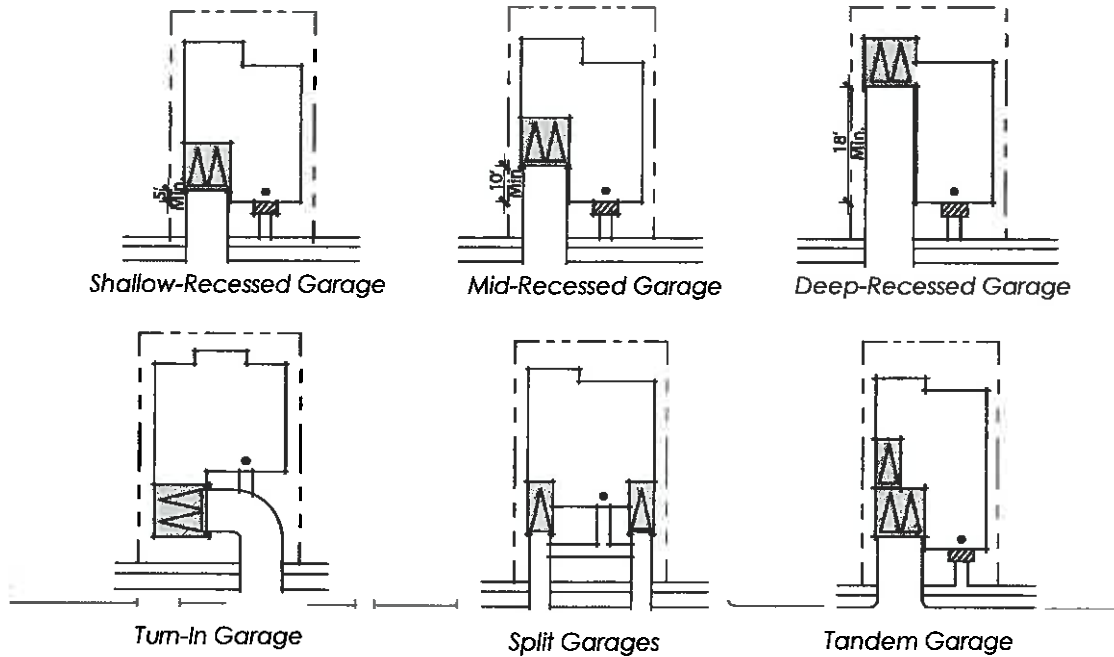


*Courtyard Guest  
Parking*

## 6.0 Architectural Design Guidelines

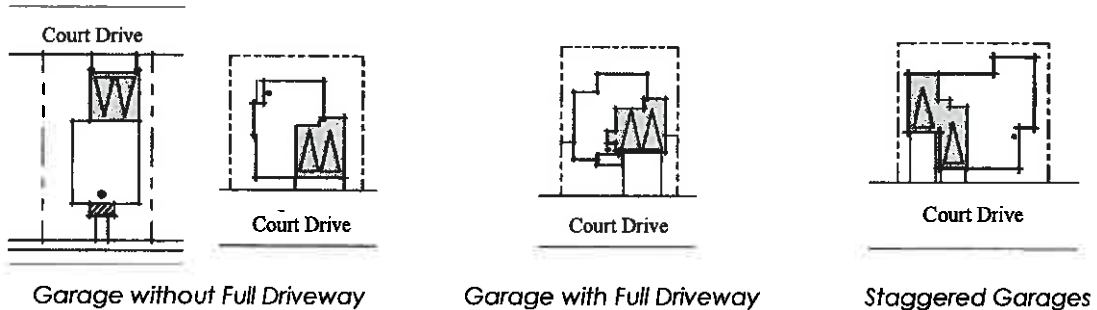
**Figure 34, Front-Loaded Garage Examples**

*(Examples provided for illustration purposes only; other garage placement options are permitted)*



**Figure 35, Court-Loaded Garage Examples**

*(Examples provided for illustration purposes only; other garage placement options are permitted)*



## 6.0 Architectural Design Guidelines

- 6) Carports may be incorporated into the interior of a multi-family residential complex. The placement of carports adjacent to streets, elevated slopes or other highly exposed areas is strongly discouraged. Carports and other accessory structures should be designed as an integral part of the residential complex, and be similar or complementary in material and color to the surrounding principal buildings.



*Carport material and color complementary to the principal building*

## 6.0 Architectural Design Guidelines

### 6.3.5 Roof Considerations

- 1) Select roof forms, pitches and materials that are consistent with the architectural style of the building. Consider roof forms in relationship to the building mass to improve massing relief along public streets and on other publicly visible elevations.
- 2) Varied roof forms, offsets and materials consistent with the architectural style of the building are encouraged to create variation in the skyline and diversity in the streetscene.
- 3) Flat roofs with parapets or decorative cornices are permitted where appropriate to the architectural style of the building.
- 4) Keep roof forms simple and efficient based on the architectural style and plan shape. Avoid overly complicated roof design that detracts from the characteristics of the architectural style.
- 5) Consider the location of the photovoltaic and solar panels and/or tiles, as well as any solar water heating panels, when designing roof plans. Where feasible, minimize or group rooftop equipment to leave adequate, continuous space for rooftop photovoltaic systems.



*Roof design consistent with architectural style of the building*

## 6.0 Architectural Design Guidelines

### 6.3.6 Articulation and Details

- 1) Building façades should be designed to provide an interesting connection between the public realm and private residence. Appropriate articulation and detailing include the following:
  - a) Variation in elevations styles
  - b) Variation in color schemes
  - c) Undulating building mass and roof planes
  - d) Vertical and horizontal stepped massing
  - e) Visually reduced garages
  - f) Authentic architectural elements
  - g) Detailed entry features and openings such as doors, windows, porches, balconies, patios, courtyards and trellises oriented toward the street
  - h) Vary wall planes to create depth and shadow and avoid continuous, unrelieved walls surfaces along publicly visible elevations. Visual breaks can be created by a horizontal or vertical offset in the exterior wall plane, a recessed window or door or other architectural detailing.
  - i) Select architectural details that are proportional, complementary and authentic to the overall design of the elevation style.



*Well-articulated entries*



## 6.0 Architectural Design Guidelines

2) On corner lot buildings, consider wrapping pedestrian elements such as porches and arcades around the corners to provide human scale along both street frontages.

3) Side and rear elevations that are visible from public streets, parks, trails and other highly visible areas should incorporate enhancement features that minimize visual monotony and enhance pedestrian experience, such as single-story massing at the exterior side, wrapped porches, window treatments, accent materials, pop-outs, insets or other vertical or horizontal breaks in the wall massing.



*Corner lot home with wrapped porch*

4) Building elevations facing the motor courts should incorporate articulation such as massing offsets, projections or recesses, window detailing, etc. to improve the appearance of the motor courts.

5) Windows and entries add articulation, break up massing and play a key role in defining the style of a building. They also contribute to the energy performance and thermal comfort of a home. Window and entry guidelines include the following:

a) Coordinate window shape, size and location on each elevation to provide a logical, proportional and attractive composition consistent with the architectural style.

b) Windows on the front elevations and highly visible side and rear elevations should incorporate enhancements such as window recess, trim surrounds, headers or sills, shutters, awnings, projecting trellises or other similar elements, as appropriate to the architectural style.




*Coordinated window shape and size providing an attractive composition*

c) Locate and size windows to respond to the conditions of the site, including solar exposure.

d) Select energy efficient windows to improve building performance.

e) Install operable windows to improve interior thermal comfort and allow occupants to passively regulate indoor temperatures and air quality.

## 6.0 Architectural Design Guidelines

- f) When feasible, design windows on south-facing elevations to provide passive solar heating and cooling. Consider adding shading devices that are consistent with the style of the building.
- g) Front doors and entryways should provide the focal point on the public street elevation of a building, and be protected from the sun with overhangs, recesses, porches or trellises consistent with the architectural style of the building.
- 
- 6) Design lighting to minimize impact to adjacent properties, particularly open space areas, through careful placement and fixture selection. Lighting shall be shielded to minimize illumination of adjacent properties and reduce glare. Lighting shall comply with the standards contained in *Chapter 6.01* of the Menifee Municipal Code.
- 7) Choose lighting locations within multi-family residential complexes for maximum visual enhancement and safety, highlight important features and provide lighting where people need it most.
- 8) Encourage the design of flexible floor plans which allow for room options that provide homebuyers the opportunity to customize the interior of their homes.

*Covered front entryway*

## 6.0 Architectural Design Guidelines

### 6.3.7 Materials and Colors

Materials and colors should be consistent with the chosen architectural style and compatible with the character of surrounding development.

- 1) Provide a variety in texture and color to allow for diversified expressions of individuality on building elevations, while maintaining visual cohesiveness throughout the community.
- 2) Ensure that materials and color blocking terminate at inside corner or is otherwise wrapped to avoid the appearance of false façades.
- 3) Apply colors and materials to enhance changes in wall plane, reinforce articulation of elevations, and enhance special features such as entries, single-story elements, etc.
- 4) Materials should be consistently applied and work harmoniously with adjacent materials. Avoid piecemeal embellishments and frequent changes in materials.
- 5) Select high-quality, low-maintenance and durable materials to minimize the need for replacement that would contribute to landfill waste.
- 6) Consider the use of recycled and/or rapidly renewable materials, as well as pre-finished building materials to reduce waste and conserve resources.
- 7) Consider using low-VOC emitting building materials for flooring, carpet, adhesives, caulks, insulations, etc. to protect air quality.



*Variety in texture and color on building elevations*

## 6.0 Architectural Design Guidelines

### 6.3.8 Functional Elements

- 1) Work with service providers to reduce visual clutter, eliminate location conflict of utility items in the common areas and address community aesthetics. Techniques to be considered include undergrounding where possible, landscape screening, construction of a façade, and use of neutral or complementary colors.
- 2) Gas and electrical meters shall be placed in utility cabinets or otherwise screened to be integral with the architecture of the building.
- 3) Roof-mounted and ground-mounted mechanical equipment such as air conditioning/heating equipment, pool/spa equipment, etc. (excluding solar panels) should be screened from view of streets, paseos and other public spaces.
- 4) Mechanical devices such as exhaust fans, vents and pipes shall be painted to match the colors of the surfaces to which they are attached.
- 5) Exposed gutters and downspouts must be colored to match or complement the surface to which they are attached.
- 6) Where trash and recycling material containers are provided to individual units, space should be provided in a side or rear yard or in the interior of the garage to accommodate a minimum of two collection containers.
- 7) Where trash and recycling material collection facilities are shared by several units/buildings, the collection facilities should be screened by architectural enclosures. The screening enclosure materials and colors should be similar or complementary to the exterior materials and colors used on the adjacent principal buildings.
- 8) Trash and recycling material collection areas should be sited for convenient access, but should avoid impacting important neighborhood features such as entries, recreation areas, leasing offices and clubhouses. Trash and recycling material collection facilities for multi-family residential complexes should not be located adjacent to a public street.
- 9) Varied and aesthetically-pleasing rooftop solar solutions are continuously being introduced as photovoltaic technologies becomes increasingly efficient and reliable. Current rooftop solar systems range from the traditional rack-mounted solar panels, to solar shingles, to roof-integrated solar panels that combine the features of the rack-mounted solar panels and solar shingles.



*Trash enclosure materials and colors similar to those used on adjacent building*

## 6.0 Architectural Design Guidelines

10) For community aesthetic reasons, solar panels are encouraged to be installed on the rear roof elevation of a building. If placing the panels on the rear elevation would significantly compromise the system's performance, then locating the solar panels on the least publicly visible elevation where at least 85% of optimal system performance can be achieved is preferred.

11) The installation of solar panels on the front roof elevation is strongly discouraged. If the solar panels must be located on the front elevation, the size, shape and placement of the panels should be carefully considered as part of the overall design composition to create an aesthetically integrated solar system, as described below:



*Solar panel placement on front roof elevation*

- a) Solar panels should be mounted as close to the roof plane as possible.
- b) Solar panels should be set back from the roof edge by a minimum of 24 inches.
- c) Solar panel layout should be complementary to the geometry and proportions of the roof.
- d) Solar panels should be grouped together so they are less visually distracting. Single panel arrays should be avoided.
- e) Use panels with anti-reflective coatings to minimize glare. Exposed frames and components should have an anti-reflective surface.

12) Residential energy storage systems should not be installed on the exterior side wall of a corner building that is visible to the public view.

13) Exterior light fixtures should be designed to complement the architectural style of the building. Exterior lighting should be shielded to conceal the light source and minimize glare and light spill to adjacent properties and public rights-of-way.

14) Multi-family residential complexes shall be sufficiently lighted to ensure night-time mobility and deter criminal activity. Choose lighting locations for maximum visual enhancement and safety.

## 6.0 Architectural Design Guidelines

### 6.4 Non-Residential Design Guidelines

#### 6.4.1 Overview

Non-residential buildings in Menifee Valley consist primarily of commercial buildings, civic buildings such as fire station, police sub-stations, community centers, and recreational buildings. The goal of the design guidelines is to create an attractive, pedestrian friendly environment that is compatible in scale and aesthetics with the overall Menifee Valley community. The design objective is to focus architectural articulation and detailing toward the portions of building elevations that are highly visible to the public, while promoting a pedestrian oriented site design that incorporates pedestrian amenities, outdoor spaces, and physical and visual connections as appropriate to the use of the buildings.

### 6.5 Building and Site Design

#### 6.5.1 Building Placement and Orientation

- 1) Visual prominence from streets and public spaces should be the primary consideration when determining the building location and design. Massing elements should be used to create focal points at significant corners and view terminus.
- 2) The arrangement of buildings, parking and circulation areas, and open space should recognize the characteristics of the site and relate to the surrounding built environment in pattern, function, scale, character and materials. Building placement and orientation should consider the anticipated building functions and activities.
- 3) Locate buildings and on-site circulation systems to minimize pedestrian/vehicle conflicts. Link structures to the public sidewalks, where possible, with walkways and landscaping. Where appropriate, incorporate enhanced treatments such as decorative paving and trellises at key pedestrian crossings and spaces to support a pedestrian-friendly environment.
- 4) Where possible, arrange buildings to create outdoor spaces that incorporate pedestrian amenities such as shades, seating and fountains, as appropriate to the use of the site. Create a visual link between separate buildings through the use of an arcade system, trellis or other open structure.



*Visual prominence from public space*



*Outdoor dining patio and pedestrian amenities*



## 6.0 Architectural Design Guidelines

- 5) Building setbacks should be proportionate to the scale of the buildings and be considerate of adjacent development.
- 6) Primary pedestrian entries should be oriented toward the street frontages or other public space, and be a main feature of the building elevation.
- 7) Building entries for vehicular and pedestrian use should be clearly demarcated and easily accessible, and be designed to minimize pedestrian and vehicular conflicts.

### 6.5.2 Scale and Massing

- 1) The scale of non-residential development should be compatible with that of its surroundings. This applies not only to the relationship between buildings, but also to the relationship between buildings and pedestrian spaces such as plazas, courtyards and sidewalks.
- 2) Vary the height of a building so that the building appears to be divided into distinct massing elements, or articulate the building façade through horizontal and vertical offsets in wall planes to reduce building bulk.
- 3) Use massing, façade articulation, roof forms and architectural detailing to integrate the scale of all buildings within the complex. Vertical architectural elements may be used as focal points to identify primary structures or locations.



*Varied building height and articulated building façades*

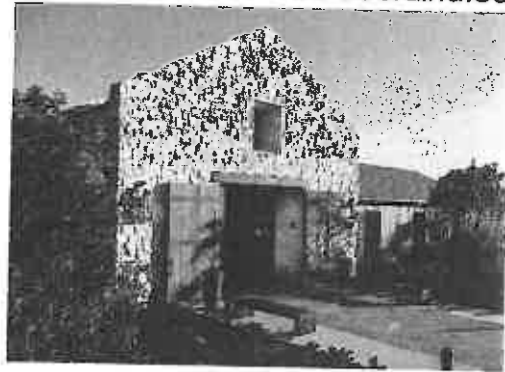
## 6.0 Architectural Design Guidelines

### 6.5.3 Articulation and Details

- 1) Building articulation and architectural detailing are particularly important in creating an inviting and human scale at the ground level of building. This can be achieved through the use of coordinated window and door patterns, roof overhangs, awnings, trellises, enhanced wall materials, colors, moldings, fixtures and other architectural ornamentation.
- 2) Use recesses, projections, columns and other distinctive architectural elements to articulate entries so they are clearly identifiable.
- 3) The size of windows and doors and associated structural detailing should relate to the scale of the elevation on which they appear.
- 4) Arcades, trellises and awnings are recommended for functional as well as aesthetic reasons. Awnings located on a row of contiguous structures should be coordinated with regard to location, form and color.
- 5) Where appropriate to the use, the building entry area walls may incorporate accent materials, colors, higher level of detailing, and entry/accent lighting to provide a sense of welcome and convenient access into the building interior.
- 6) Open views into the retail space at the storefront level to enhance the pedestrian experience by providing a visual connection to the use inside the building.



*Enhanced corner treatments with accent wall materials and trellis elements*



*Higher level of detailing at building entry*

## 6.0 Architectural Design Guidelines

### 6.5.4 Materials and Colors

- 1) Materials and colors should be consistent with the chosen architectural style and compatible with the character of surrounding development.
- 2) Materials should be durable and require low maintenance. They should be consistently applied and work harmoniously with adjacent materials.
- 3) Ensure that materials and color blocking terminate at inside corner or is otherwise wrapped to avoid the appearance of false façades.
- 4) Variations in shade or tone can be used to enhance form and heighten interest.



*Materials and colors consistent with architectural style of the building*

## 6.0 Architectural Design Guidelines

### 6.5.5 Screening of Mechanical and Utility Equipment and Loading, Service and Storage Areas

- 1) Mechanical and utility equipment should be placed in locations which are not exposed to direct view from the street or be suitably screened. The screening device materials should be compatible with the materials and colors of the adjacent principal buildings.
- 2) The screening of roof-mounted equipment should be incorporated into the design of the roof. Full parapets, sloping roofs and low parapets with supplemental screens may be used to screen roof equipment, provided that roof-mounted screen walls are fully integrated with the buildings architecture.
- 3) Loading, service and storage areas should be located away from activity areas and be screened from public view with landscaping and/or walls.
- 4) Outdoor trash and recycling material collection areas should be completely enclosed and screened from view by a wall or fence. All such areas should have concrete floors and loading pads and be of sufficient size to accommodate all site-generated refuse.
- 5) Fences and walls that provide screening should be designed as an integral part of the building design concept and be constructed of materials which are complementary in color, finish and texture to the adjacent principal buildings.

### 6.6 Temporary Structures Design Guidelines

Temporary structures may be constructed of modular units, trailers or shade structures, and may be used for the following purposes:

- Welcome center(s)/home finding center(s) for home sale information/assistance but are not model homes;
- "Farm-to-fork" stands for seasonal sales of agricultural products (such as fruit and vegetable stands), if said products are grown on the premises;
- Barns and sheds for equipment storage and animal keeping (primarily chicken and the potential for a few small animals such as goats);
- Greenhouses and shade structures for cultivation;
- Temporary public facilities (such as fire stations); and
- Special events such as live entertainment, festivals, fairs or other similar public events.

Temporary structures associated with non-recurring events defined in Chapter 9.06, Temporary Use Permits, of the Menifee Municipal Code may be approved in accordance with the provisions of Chapter 9.06.

## 6.0 Architectural Design Guidelines

Temporary structures associated with recurring events/uses that will occur for more than one year (even sporadically) may be approved administratively by the Community Development Director during review of tract maps, provided the following findings are made:

- the proposed use is compatible with the underlying zoning, nature, character and use of the surrounding area;
- the use will not adversely affect the adjacent uses, buildings or structures; and
- the use is not detrimental to the public health, safety or welfare of the community. The duration, location, required parking (if applicable), landscaping and other applicable criteria shall be determined during this review. Upon completion of home sales in Menifee Valley, the welcome center/home finding center shall be removed and the site upon which it occupies shall revert to the underlying land use per the approved tract map.

Temporary structures may incorporate the following design considerations:

- 1) The design of temporary structures should be in keeping with the character of the Menifee Valley community.
- 2) The placement and orientation of temporary structures should consider the anticipated functions and activities. Signage should be provided for wayfinding and identification purposes.
- 3) Temporary structures should be of simple form and informal in appearance.
- 4) Temporary structures should generally be 22 feet or lower in height; however, taller structures may be allowed if appropriate to the use, provided they do not exceed the maximum permitted height of the Planning Area in which they are located.
- 5) Exterior cladding materials should be appropriate to the chosen architectural style. Exterior colors may be earth tones, neutral and muted colors, and may incorporate appropriate use of strong accent colors for visual interest and wayfinding.



*Temporary structure in keeping with the community character*



## 7.0 Administration and Implementation

The Plan will be implemented through the processing of numerous discretionary entitlements. The implementation process provides the mechanism for reviewing precise development plans and ensuring development consistency with the Specific Plan's objectives. This chapter also provides procedures for determining substantial conformity and, if necessary, amendments to the Menifee Valley Specific Plan. All development within the community are subject to the implementation procedures described in this chapter. Additional information on implementation, including potential funding mechanisms, maintenance responsibilities, and monitoring activities are also presented in this chapter.

### 7.1 Implementation Plan

Pursuant to Government Code Section 65451 all specific plans must contain a "program of implementation measures including regulations, programs, public works projects, and financing measures" necessary to implement the specific plan. This chapter defines the administration of the Menifee Valley Specific Plan and the implementation process for approving new development, including the accompanying financing, phasing, and other necessary programs.

#### 7.1.1 General Administration

The City of Menifee shall be responsible for the administration and enforcement of the Menifee Valley Specific Plan in accordance with the provisions of this Specific Plan, the State of California Government Code, and the Subdivision Map Act, including: processing assistance, interpretations of provisions, approval of administrative permits, issuance of permits, site development plans, approval of temporary or interim uses, specification of conditions of approval, and authorization of certificates of occupancy for new development.

The Planning Commission shall be responsible for recommending approval to the City Council regarding any subdivision, conditional use permit, or variance application; recommending Specific Plan amendments to the City Council; and acting on appeals from decisions by the Community Development Director.

The City Council shall be responsible for approving or denying amendments to the Specific Plan and acting on appeals of decisions by the Planning Commission.

#### 7.1.2 Applicability

All development and proposed uses in the Specific Plan shall comply with the requirements and standards set forth in this Specific Plan. Where conflicts exist between the standards set forth in this Specific Plan and those found in Menifee Zoning Code, the standards in the Specific Plan shall apply. Standards not addressed in this Specific Plan are subject to the Menifee Zoning Code.



## 7.0 Administration and Implementation

### 7.1.3 Severability

If any chapter, section, subsection, sentence, clause or phrase of this Specific Plan or future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Plan.

### 7.1.4 Interpretation

If there is a question or ambiguity regarding the interpretation of any provision of this Specific Plan, the Community Development Director has the authority to interpret the intent of the provision, using the spirit and intent of the Menifee Valley Specific Plan as a guide.

The Community Development Director may, at his/her discretion, refer interpretations to the Planning Commission for consideration and action. Such a referral shall be accompanied by a written analysis of issues related to the interpretation. All interpretations made by the Community Development Director and decisions of the Planning Commission may be appealed per applicable provisions of the zoning code.

### 7.1.5 Specific Plan Modifications

Modifications to the text and exhibits may be necessary during the development of a project. Any modifications to the Specific Plan shall occur in accordance with the amendment process described below. Depending on the nature of the proposed amendment, additional analysis or a supplemental EIR may be required, pursuant to the California Environmental Quality Act.

Changes to the adopted Specific Plan shall be classified by the Community Development Director as either an amendment or Specific Plan Substantial Conformance. The applicant shall submit a detailed justification explaining why an amendment or Substantial Conformance revision is warranted and any application or necessary fees exhibits deemed necessary by the Community Development Director.



## 7.0 Administration and Implementation

### Amendments

Amendments as defined in this Specific Plan, shall be processed according to the provisions of the zoning code. An amendment, as defined in this Specific Plan, is any of the following:

- Changes to exhibits or text that alter the intent of the Specific Plan
- Changes to development standards and/or design guidelines, which, if adopted, would substantially change the physical character of the Specific Plan
- A new type of land use that is not specifically discussed in this Specific Plan and that is not of the same intensity and character as those listed in this Specific Plan.
- Any change that would trigger the preparation of a supplemental EIR.
- Changes in land use boundaries that result in an increase of more than the maximum allowable development potential, as analyzed in the certified EIR prepared for the Menifee Valley Specific Plan.

### Specific Plan Substantial Conformance

A Substantial Conformance application may be approved by the Community Development Director with input from relevant departments. Substantial conformance allows for the administrative approval and interpretation of minor modifications to the Specific Plan text, graphics, and/or project design that do not change the meaning or intent of the Specific Plan. Through the review and approval process, a project may be found in substantial conformance with the provisions of this Specific Plan and may be approved, conditionally approved, or denied by the Director under the circumstances listed below. The Community Development Director shall also have the discretion to refer any such request for substantial conformance to the Planning Commission for interpretation and action:

- Simple edits or clarifications to text, graphics or figures that do not change the meaning or intent of the Specific Plan.
- A modification of the project design including minor adjustments to planning area boundaries that does not alter the intent of the specific plan that improves circulation, protects topographic features, minimizes grading, improves drainage, or improves infrastructure.
- Shifts in internal road alignments, widths, streetscape amenities, and access points that would not substantially alter the land use or circulation system set forth in this Specific Plan.
- Changes to the locations and sizes of infrastructure systems, including drainage, grading, water, and wastewater plans that would not substantially alter the plans set forth in this Specific Plan, provided the changes can be supported by technical studies reviewed and approved by the City.

## 7.0 Administration and Implementation

- Modifications of design elements such as paving treatment, colors, architectural details, signs, landscaping, fencing, lighting, and entry treatments as long as the Community Development Director finds the change to be compatible with previous developments/approvals.
- Changes to the Phasing Plan provided that the Community Development Director determines that infrastructure is available and constructed to serve that phase and that any mitigation measures linked to that phase, location, or level of development are implemented.
- A new type of land use that is not specifically discussed in this Specific Plan but that is similar in nature to those listed as allowable in the Specific Plan and does not increase intensity in any phase or planning area.
- Shifts in the number of dwelling units between Planning Areas that does not increase the maximum number of dwelling units for any individual Planning Area.
- Any changes to the Specific Plan that are required to respond to permit requirements of applicable state or federal agencies with jurisdiction over the Project will be deemed in substantial conformance with the Specific Plan and will not require an amendment so long as the purpose of such changes is the protection of natural resources.

### 7.1.6 Implementation and Approval Process

Approval of the Menifee Valley Specific Plan indicates acceptance by the City of Menifee City Council of a general framework of development for the approximately 594 acre Project site. Part of that framework establishes specific development standards that constitute the zoning regulations for the Menifee Valley Specific Plan. It is further anticipated that this Specific Plan will be implemented through a series of final tract maps, and site plans which shall be reviewed and approved by the Community Development Director and the appropriate hearing body to ensure consistency with this Specific Plan.

#### Pre-Application Conference

A pre-application conference with the Community Development Director or their designee should be held before an application for a proposed project in the Specific Plan can be filed and accepted for processing. Representatives from the various City departments may be invited to attend the conference to provide input at the discretion of the Community Development Director. Multiple meetings may require the submittal of a deposit to cover staff time.



## 7.0 Administration and Implementation

### Subdivision Maps and Final Maps

Subdivision maps are employed to implement a specific plan by subdividing land into smaller parcels.

The subdivision map process for Menifee Valley may involve the preparation of a Tentative Parcel Map (TPM) or a Tentative Tract Map (TTM). The intent of the TPM is for financing and land conveyance purposes only, no infrastructure improvements, building and/or grading permits shall be issued for lots within the TPM. The individual Planning Areas will require a TTM showing each Planning Area, internal lots and street layout. The TTM may be prepared by the developer and/or the builder. In the absence of a specific builder, the master developer may choose to prepare the site plan and TTM to accommodate a specific size of home site. Additionally, the owner may choose to file a conveyance or financing map and receive tentative map approval and record a final conveyance map.

During the site plan and TTM stage of the development process, the final number of dwelling units for a particular Planning Area may differ from those identified in the Specific Plan, so long as the density falls within the range specified by the land use designation. Furthermore, an individual site plan or TTM may fall outside of the specified density range, so long as the total density for a particular Planning Area falls within the range specified by the land use designation. After a subdivision map or a site plan receives its tentative approval, the applicant is given a period of time to provide the final improvement plans for streets, utilities, grading, landscaping and all final conditions of approval prior to commencing construction.

### Administrative Review and Plot Plans

Applications that comply with the provisions of the Specific Plan and do not require the approval of a public use permit or conditional use permit may be approved or conditionally approved by the Community Development Director through approval of a plot plan. For the purposes of this Specific Plan, all of the "Principle Permitted Uses" and "Accessory Permitted Uses" identified in *Chapter 3.0, Community Development Plans* are considered permitted uses that would require the approval of a plot plan.

Architectural plot plans need not match planning area boundaries but are intended to include all the lots that will comprise a residential neighborhood constructed by a builder. Plot plans are similar to subdivision maps, in that a plot plan also implements a specific plan; however, a plot plan provides a detailed description of how each parcel will be developed. During the plot plan review, the Community Development Director, or his or her designee, shall review applications for compliance with the development standards listed in *Chapter 3.0 through Chapter 6.0* of this Specific Plan. Applications that comply with the provisions of the Specific Plan and do not require the approval of a public use or conditional use permit may be approved or conditionally approved by the



## 7.0 Administration and Implementation

Community Development Director through approval of a plot plan. The plot plan process shall be the same as that outlined in Section 18.30 of the zoning code.

Additional applications that may not be identified as "Permitted Uses" in *Chapter 4.0, Development Standards*, but are considered ancillary to the inherent land uses, may be submitted in conjunction with the plot plan application, and may be approved or conditionally approved by the Community Development Director through approval of said plot plan:

### **Public Use Permits**

Uses requiring the approval of a public use permit shall be the same as those listed in Section 18.29 of the zoning code. In addition, uses requiring a public use permit shall be subject to the filing, required findings, notification, hearing and appeal procedures identified in Section 18.29 of the zoning code. There are no uses currently proposed in the Specific Plan that would require a public use permit.

### **Conditional Use Permits**

Conditional use permits allow the City to consider special uses that are not allowed as a matter of right within a zoning district, therefore providing flexibility within a zoning ordinance.

Consideration of a conditional use permit is a discretionary action. Uses requiring a conditional use permit shall be the same as those listed in Section 18.28 of the zoning code. In addition, uses requiring a conditional use permit shall be subject to the filing, required findings, notification, hearing and appeal procedures identified in Section 18.28 of the zoning code. There are no uses currently proposed in the Specific Plan that would require a conditional use permit.

### **Architectural Review**

The Menifee Valley Specific Plan provides builders and developers with flexibility with respect to architectural styles and provides the flexibility to incorporate a wide range of complementary building designs and architectural styles. To ensure the creation of a high quality development that exhibits cohesive community character and complementary building design, all applications for a plot plan, public use permit, or conditional use permit shall be subject to the architectural review process.

An application for architectural review shall be filed with the Planning Division in a manner prescribed by the Community Development Director, including, but not limited to: plans, elevations, and materials and color boards. The Community Development Director or designee will review all development applications and ensure the proposed Project meets the intent of the development standards and design guidelines.

The decision of the Community Development Director or designee shall be final and effective 10 days after a written determination has been made unless, within said time, a



## 7.0 Administration and Implementation

written appeal to the Planning Commission is filed by the applicant, property owners subject to the architectural review, or by any member of the City Council or Planning Commission. Appeals shall be undertaken in compliance with the procedures outlined in the zoning code.

### **Variance**

Variances may be granted when, because of special circumstances applicable to a parcel of property, including size, shape, topography, location or surroundings, the strict application of this Plan deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification. A variance shall not be granted for a parcel of property which authorizes a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property, but shall be limited to modifications of property development standards, such as lot size, lot coverage, yards, and parking and landscape requirements. Application for a variance shall be made in writing to the Community Development Director.





## 7.0 Administration and Implementation

### 7.2 Financing Plan

The appropriate mechanism for implementing each particular improvement shall be tied to the construction and, if applicable, a Community Facilities District (CFD) area phasing, established conditions of approval, and site plan/design review approval. The following is a summary of possible methods that could be used to finance Specific Plan improvements. This list is not completely inclusive and there may be other sources available to finance improvement projects, such as government grants, third party construction, or various types of bonds not listed below.

The developer, or builder, shall be responsible for facilitating the construction of the infrastructure improvements required to support the Project, such as perimeter and internal streets, water lines, sewers, and storm drains. All necessary infrastructure improvements shall be developed in conjunction with a phasing plan. The financing of construction, operation, and maintenance of public improvements and facilities will include funding through a combination of financing mechanisms. However, the developer or builder shall be ultimately responsible for all fair share costs associated with implementing the Project, including but not limited to the costs of providing infrastructure and complying with mitigation measures, conditions of approval, and other requirements of the Project.

Financing may involve a combination of impact fees and exacting, CFD's/Mello-Roos, special assessment districts, landscaping and lighting districts, and other mechanisms agreed to by the developer and the City as noted below. Developer or builder funded improvements may be subject to a reimbursement agreement or credits against fees pursuant to provisions of a development agreement or conditions of approval. The City and developer or builder will cooperate to ensure that the public facilities are built in accordance with all requirements of the Specific Plan and EIR. A development agreement and conditions of approval may be used to facilitate this process. **Table G, Funding and Maintenance**, below, identifies financing and maintenance responsibilities for all improvements.



## 7.0 Administration and Implementation

Table G Funding and Maintenance		
Improvement	Installation Financing	Long-term Maintenance
<b>Lighting</b>		
Lighting (Project) <sup>1</sup>	Developer	HOA
Lighting (Street) <sup>2</sup>	Developer/Public/3 <sup>rd</sup> Party	CFD
<b>Open Space</b>		
Greenbelts	Developer	CFD
Park (Planning Area 5)	Developer/City	CFD
Paseos	Developer	CFD
<b>Other</b>		
Signage (Project)	Developer	HOA
<b>Public Facilities</b>		
Sewer System	Developer/EMWD/3 <sup>rd</sup> Party	EMWD
Storm Drain <sup>3</sup>	Developer/EMWD/3 <sup>rd</sup> Party	RCFCWCD/CFD/CSD
Water System	Developer/EMWD/3 <sup>rd</sup> Party	EMWD
<b>Streets</b>		
Private Streets	Developer	HOA
Public Streets	Developer/Public/3 <sup>rd</sup> Party	CFD
State-Route 74	Caltrans	Caltrans
<b>Trails</b>		
Community Trail	Developer	CFD
Local Connections	Developer	CFD
Neighborhood Trail	Developer	CFD
Regional Trail	Developer	CFD
<b>Utilities</b>		
Electric	Developer	Homeowner/Utility Provider
Natural Gas	Developer	Homeowner/Utility Provider
Telephone	Developer	Homeowner/Utility Provider
Television	Developer	Homeowner/Utility Provider
Notes		
1. Monument lights, private street lights		
2. Public street lights, paseos, trails and parks		
3. All storm drain facilities 36 inches in diameter or less located within City of Menifee limits shall be owned and maintained by the City of Menifee.		

## 7.0 Administration and Implementation

### 7.2.1 Developer Funding

In many cases, certain onsite facilities are tied directly to individual neighborhoods or phases. In these cases, it is reasonable to expect the developer, builder or property owner to pay all or a majority of the entire cost of the facility in order to secure development rights. Onsite local streets, utility connections from main trunk lines, and drainage facilities are good examples of facilities that are normally required concurrent with development of an individual parcel funded by the developer or builder.

### 7.2.2 Special Assessment Districts

A special assessment district is a type of benefit district that requires a vote by the property owners to encompass a defined and limited geographic area. The City or other agencies may form collectively or individually one or more special assessment district under one of several different statutory acts to construct public improvements such as streets, storm drains, sidewalks, streetlights, sewers, parks landscape, and other similar capital facilities. The special assessment districts can issue bonds to finance those improvements and levy a special assessment to pay debt service on those bonds.

A special assessment district may fund improvements within the entire Specific Plan area or smaller areas in the Specific Plan where special improvements are constructed that directly benefit only certain property owners. Special assessments districts may only be used to pay for projects that are of specific and direct benefit to the property owner being assessed. The amount of the assessment must directly relate to the amount of benefit received by the property owner.

### 7.2.3 Landscaping and Lighting Districts

Landscaping and lighting districts (LLD) may be used for maintenance and servicing of landscaping and lighting through annual assessments on benefiting properties. LLDs may also provide for maintenance of appurtenant features, including curbs, gutters, walls, sidewalks or paving, and irrigation or drainage facilities.

### 7.2.4 Community Facilities Districts and Mello-Roos

The Mello-Roos Community Facilities Act of 1982 allows the creation of special districts authorized to levy a special tax and issue tax exempt bonds to finance public facilities and services. A community facilities district may be initiated by the legislative body or by property owner petition and must be approved by a 2/3 majority of property owners or registered voters (if there are more than 12 registered voters living in the area). Because there is no requirement to show special benefit, Mello-Roos levies may be used to fund improvements of general benefit, such as fire and police facilities, libraries, and parks, as well as improvements that benefit specific properties. The provision also allows the reallocation of cost burdens to alleviate untenable burdens on specific properties.

## 7.0 Administration and Implementation

### 7.2.5 Other Funding Sources

Other sources may be available to finance improvement projects, such as federal, state, regional (i.e. Western Riverside Council of Governments) or local government grants, public agency construction, private developer coalitions, or various types of bonds not listed above.



## 7.0 Administration and Implementation

### 7.3 Maintenance Plan

Maintenance of open space areas, recreational facilities, and major roadway landscaping, among other areas, is of utmost importance to the performance and appearance of Menifee Valley. Therefore, a comprehensive maintenance plan will be established for standards as well as guidance for the upkeep and governance of public common areas within the Specific Plan. **Table G**, above, identifies both funding and maintenance responsibilities for improvements.

#### 7.3.1 Apportionment of Cost for Maintenance of Common Areas

In order to ensure timely commencement and sufficient funding for maintenance of public facilities and common areas, the Specific Plan will annex into an existing maintenance organization, or into an active management organization such as a community-wide maintenance district or a neighborhood home owners association (HOA). This maintenance district will be empowered to apportion costs for shared public facilities and common area maintenance within the Specific Plan and/or respective phase of the Specific Plan.

Further, prior to final map approval the developer will provide a master maintenance authority with enumerated responsibilities.

#### 7.3.2 Master Area Maintenance

Common areas such as sports parks, neighborhood parks, paseos, greenbelt areas, water quality basins, open space areas and landscaped areas are identified in the Specific Plan as being available for the benefit of all residents of the Specific Plan area and to the public. Such common areas shall be maintained either by a public/private entity such as a landscaping and lighting district, or by an association which includes as its participating owners all property within the Specific Plan, and the responsible agency shall assume maintenance responsibility for such area. Publically accessible parks shall be maintained by a public agency or public maintenance organization and not an HOA.

#### 7.3.3 Specific Facilities Maintenance

In residential areas of the Project, smaller associations may be formed to assume ownership and maintenance responsibility for common areas and facilities that benefit only the residents in those areas. Private open space areas and private roadways are examples of facilities that could come under the jurisdiction of neighborhood HOA.

#### 7.3.4 Project Roadways and Roadway Landscaping

The site is currently within the boundaries of the Landscape and Lighting Maintenance District 89-1C (L&LMD 89-1) and County Service Area (CSA) 145. However, the Project will detach from L&LMD 89-1C and may annex into a maintenance CFD in lieu of the L&LMD to provide maintenance services to certain approved public improvements. All public Project roadways will be designed and constructed to standards stated in this Specific



## 7.0 Administration and Implementation

Plan and will, therefore, be entered into the City system of roads for operation and maintenance as approved by the City Council. Any private roads or accesses will be maintained by an association or other public/private entity, as described above. Roadway landscaping within the right-of-way (such as the enhanced parkways), landscaping within the raised medians, and any hardscaping outside of any roadway right-of-way, shall be maintained by a public/private entity or other master association.

### 7.3.5 Private Area Maintenance

Front and side yard areas which are open to the street shall be maintained by the homeowner unless otherwise specified in the CC&R's.





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# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

June 6, 2019

**CHAIR**

Steve Manos  
Lake Elsinore

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Desert Hot Springs

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[www.rcaluc.org](http://www.rcaluc.org)

Mr. Matthew Taylor, Associate Planner  
City of Riverside Community & Economic Development Department: Planning Division  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside CA 92522

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW -  
DIRECTOR'S DETERMINATION**

File No.: ZAP1369MA19 (letter 1 of 2)  
Related File Nos.: P18-0179 (General Plan Amendment), P18-0180 (Rezone)  
APN: 210-043-047

Dear Mr. Taylor:


Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to ALUC Resolution No.15-01 (as adopted on August 13, 2015), staff reviewed City of Riverside Case Nos. P18-0179 (General Plan Amendment), a proposal to amend the General Plan designation of 1.15 acres located along the southerly side of Columbia Avenue, westerly of its intersection with Chicago Avenue and easterly of its intersection with La Cadena Drive, from Medium Density Residential to Commercial, and P18-0180 (Rezone), a proposal to change the zoning of the same property from R-1-7,000 (Single-Family Residential, 7,000 square foot minimum lot size) to CR (Commercial Retail).

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan ("March ALUCP").

This finding of consistency relates to airport compatibility issues and does not necessarily constitute an endorsement of this general plan amendment and change of zone. Both the existing and proposed General Plan designation and zoning are consistent, as the site is located within Airport Compatibility Zone E, where non-residential intensity and residential density are not restricted.

If you have any questions, please contact Paul Rull, ALUC Principal Planner, at (951) 955-6893.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

  
Simon A. Housman, ALUC Director

Attachments: Notice of Airport in Vicinity

cc: Khalid Hasan Ali, Empire Pharmacy (applicant/landowner)  
Gary Gosliga, Airport Manager, March Inland Port Airport Authority  
Daniel "Rock" Rockholt, March Air Reserve Base  
ALUC Case File

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# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

June 6, 2019

**CHAIR**

Steve Manos  
Lake Elsinore

Mr. Matthew Taylor, Associate Planner  
City of Riverside Community & Economic Development Department: Planning Division  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside CA 92522

**VICE CHAIR**

Russell Betts  
Desert Hot Springs

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW –  
DIRECTOR’S DETERMINATION**

**COMMISSIONERS**

Arthur Butler  
Riverside

File No.: ZAP1369MA19 (letter 2 of 2)  
Related File No.: P18-0181 (Design Review) with P18-0884 (Variance)  
APN: 210-043-047

John Lyon  
Riverside

Steven Stewart  
Palm Springs

Dear Mr. Taylor:

Richard Stewart  
Moreno Valley

Gary Youmans  
Temecula

**STAFF**

Director  
Simon A. Housman

John Guerin  
Paul Rull  
Barbara Santos

County Administrative Center  
4080 Lamon St., 14th Floor  
Riverside, CA 92501  
(951) 955-5132

Under the delegation of the Riverside County Airport Land Use Commission (ALUC) pursuant to Policy 1.5.2(d) of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan, staff reviewed City of Riverside Case No. P18-0181 (Design Review), a proposal to construct four commercial retail buildings totaling 18,294 square feet on 1.15 acres located on the southerly side of Columbia Avenue, westerly of its intersection with Chicago Avenue and easterly of its intersection with La Cadena Drive. The associated Variance (Case No. P18-0884) is a proposal to reduce the number of parking spaces required for this project.

The site is located within Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area (AIA). Within Compatibility Zone E of the March Air Reserve Base/Inland Port AIA, non-residential intensity is not restricted. As no calculation of occupancy or intensity is required to determine consistency with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan for properties in Compatibility Zone E, the proposed reduction in the number of parking spaces has no effect on such a determination.

The elevation of the site is more than 500 feet lower than the elevation of March’s Runway 14-32 at its northerly terminus (approximately 1,535 feet above mean sea level). The site is located more than 31,000 feet from the runway at Riverside Municipal Airport. Flabob Airport is approximately 17,000 feet away, but as Flabob’s runway does not exceed a length of 3,200 feet, the notice radius for that airport is only 10,000 feet, and the notice surface is evaluated on the basis of a 50:1 slope rather than a 100: 1 slope. Therefore, Federal Aviation Administration Obstruction Evaluation Service review for height/elevation reasons was not required.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, provided that the City of Riverside applies the following recommended conditions:

[www.rcaluc.org](http://www.rcaluc.org)

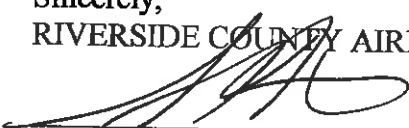
# AIRPORT LAND USE COMMISSION

## CONDITIONS:

1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris centers, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all potential purchasers of the property and to tenants and/or lessees of the proposed structure(s) thereon.
4. Any new aboveground detention or water quality basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention/water quality basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

If you have any questions, please contact Paul Rull, ALUC Principal Planner, at (951) 955-6893.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



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Simon A. Housman, ALUC Director

Attachments: Notice of Airport in Vicinity

## **AIRPORT LAND USE COMMISSION**

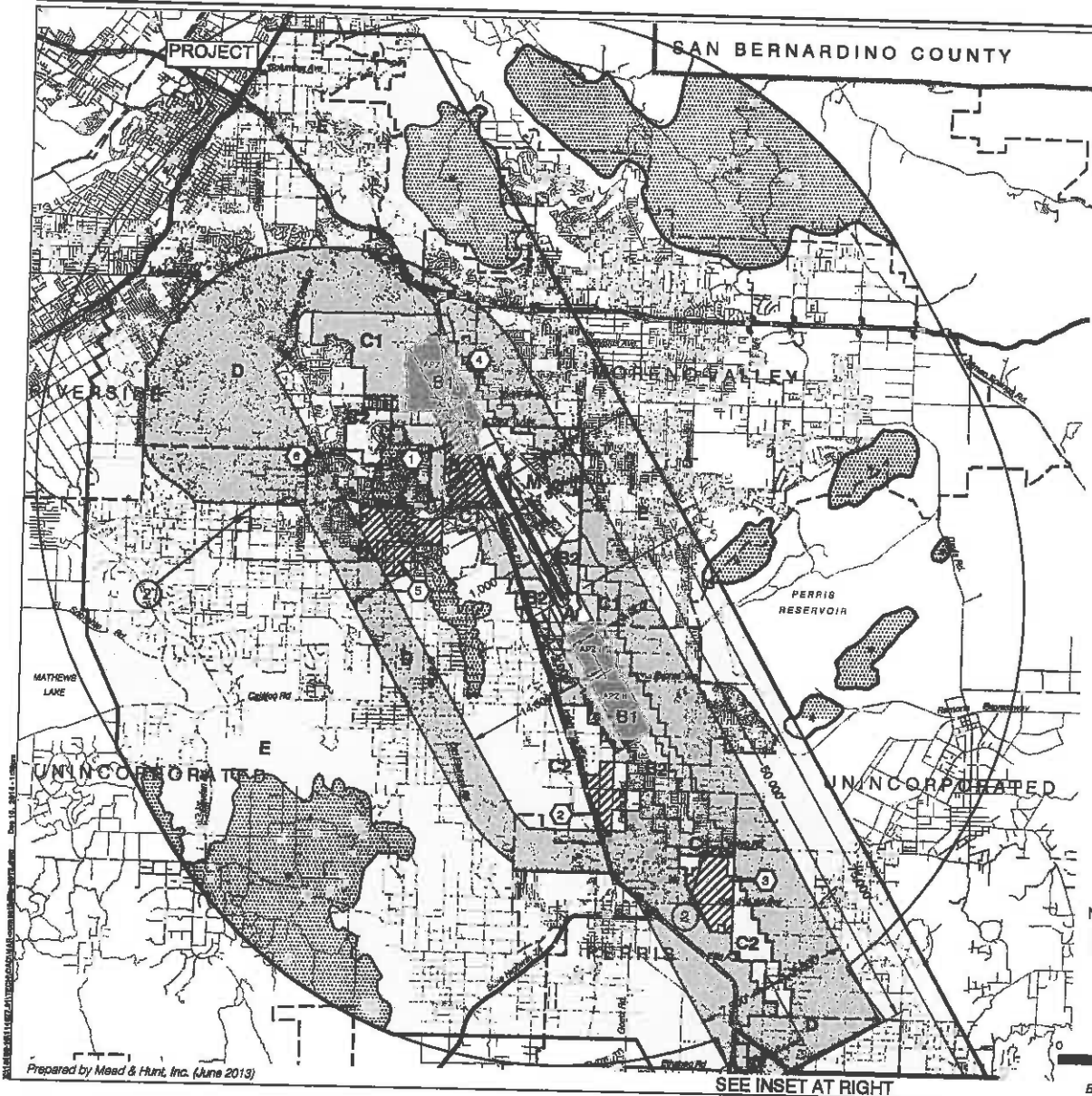
cc: Khalid Hasan Ali, Empire Pharmacy (applicant/landowner)  
Gary Gosliga, Airport Manager, March Inland Port Airport Authority  
Daniel "Rock" Rockholt, March Air Reserve Base  
ALUC Case File

Y:\AIRPORT CASE FILES\March\ZAP1369MA19\ZAP1369MA19.LTR DR.doc



# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)



**LEGEND**

**Compatibility Zones**

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C1
- Zone C2
- Zone D
- Zone E
- Zone M
- High Terrain Zone
- FAR Part 77 Military Outer Horizontal Surface Limits
- FAR Part 77 Notification Area

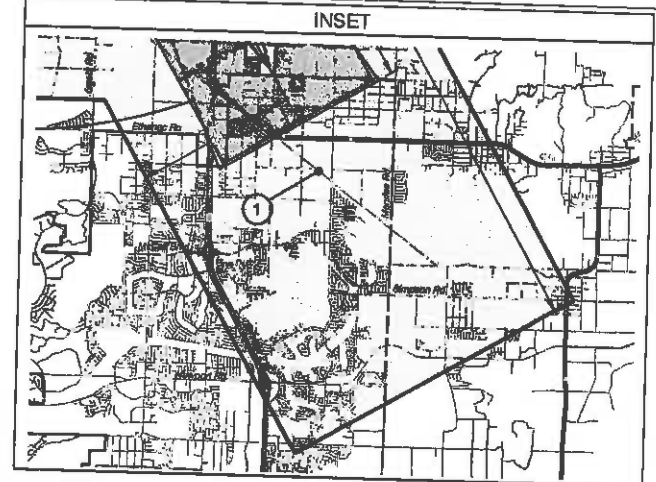
**Boundary Lines**

- March Air Reserve Base / Air Force Property
- March Joint Powers Authority Property Line
- County Boundary
- City Limits
- ▨ Site-Specific Exceptions (existing local agency commitments to development projects)

① Point at which aircraft on Runway 32 ILS approach descend below 3,000 feet above runway end. Airport Elevation is 1,535 feet MSL.

② Point at which departing aircraft typically reach 3,000 feet above runway end.

① March JPA: March Business Center/Meridian  
 ② Perris: Harvest Landing  
 ③ Perris: Park West  
 ④ Moreno Valley: Affordable Housing  
 ⑤ March JPA: Ben Clark Training Center  
 ⑥ Riverside: Ridge Crest Subdivision



Riverside County  
 Airport Land Use Commission  
 March Air Reserve Base / Inland Port Airport  
 Land Use Compatibility Plan  
 (Adopted November 13, 2014)

Note:  
 All dimensions are measured from  
 runway ends and centerlines.



Prepared by Mead & Hunt, Inc. (June 2013)

SEE INSET AT RIGHT

Base map source: County of Riverside 2013

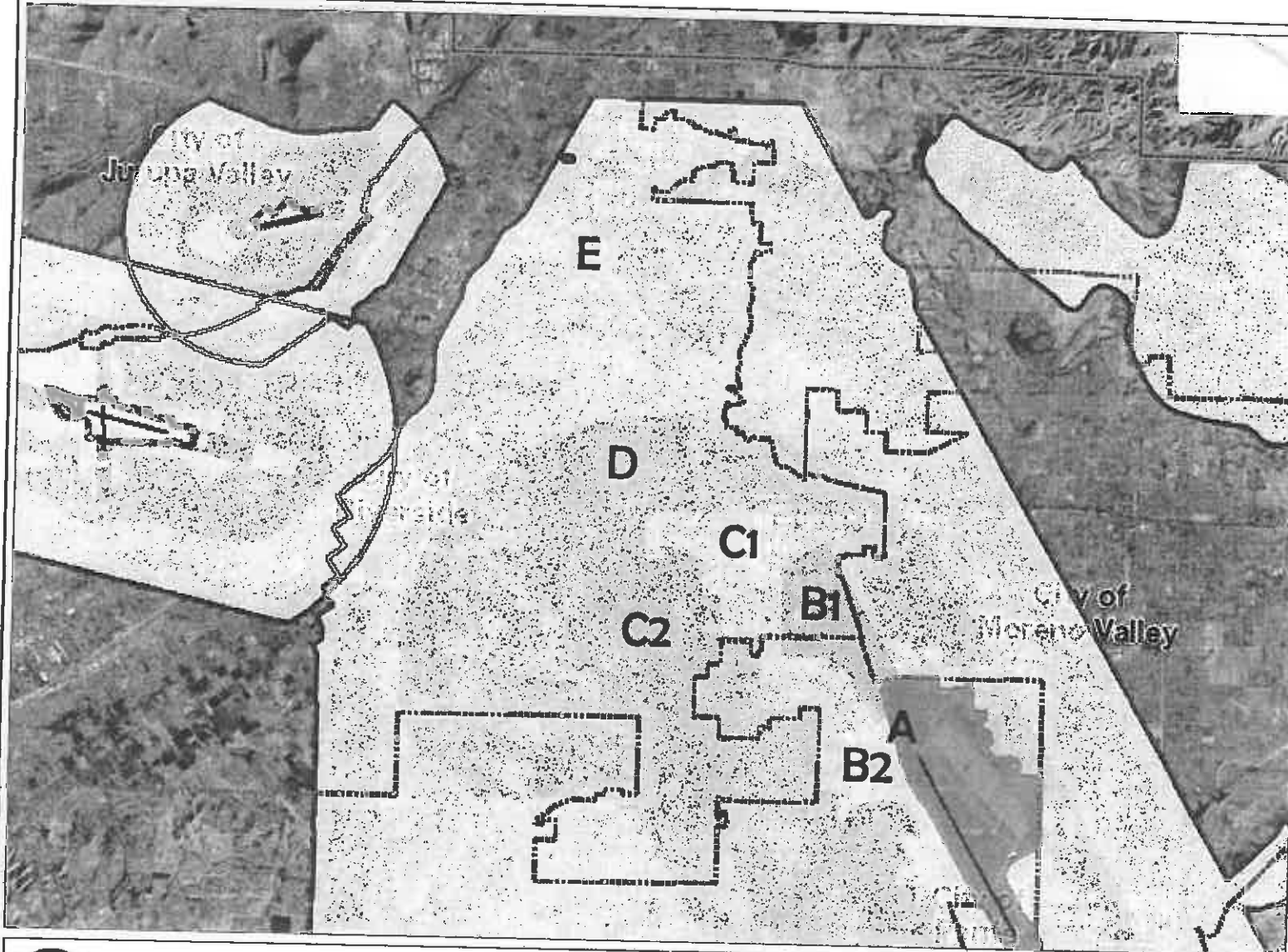
# Google Maps 1820 Columbia Ave Riverside, CA 92507

VICINITY MAP



Map data ©2019 Google 200 ft

# Map My County Map



## Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones
- ▨ OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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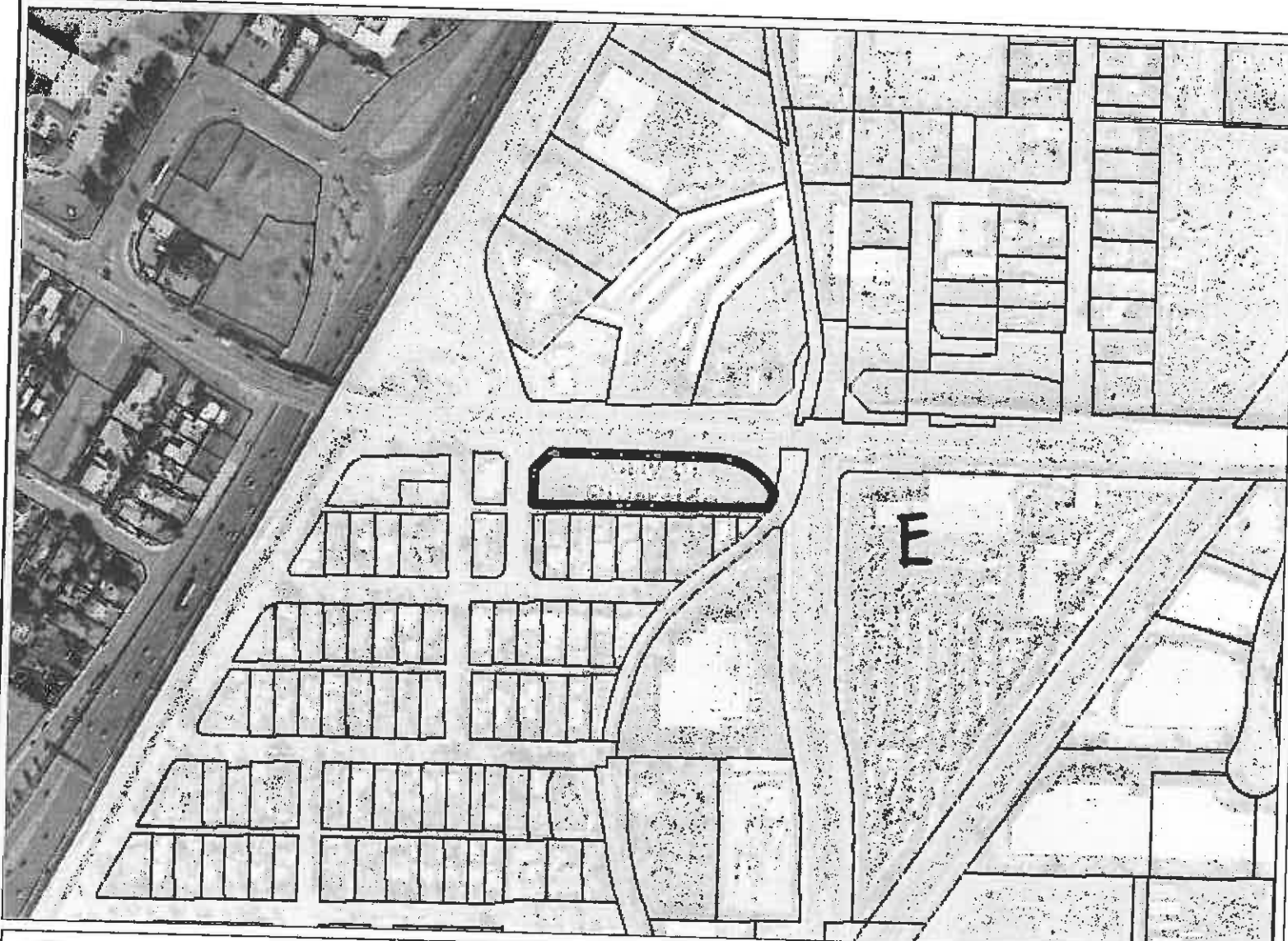
## Notes



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# Map My County Map



- Legend**
- Parcels
  - Runways
  - Airports
  - Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
  - A
  - A-EXC1
  - B1
  - B1-APZ I
  - B1-APZ I-EXC1
  - B1-APZ II
  - B1-APZ II-EXC1
  - B1-EXC1
  - B2
  - B2-EXC1
  - C
  - C1
  - C1-EXC1
  - C1-EXC3
  - C1-EXC4
  - C1-HIGHT
  - C2
  - C2-EXC1
  - C2-EXC2
  - C2-EXC3
  - C2-EXC5



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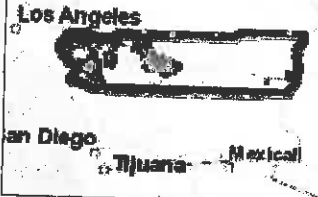
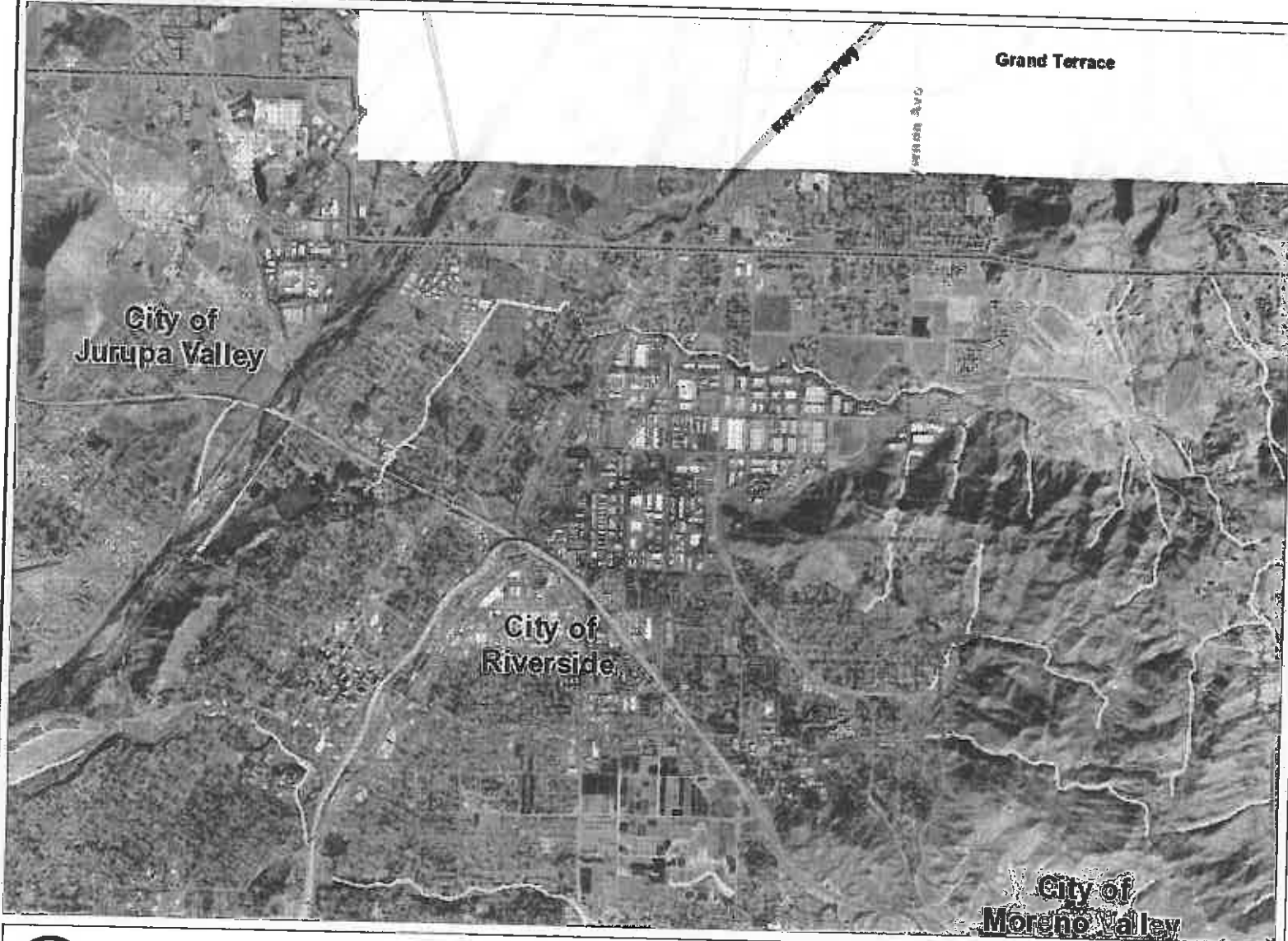
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**Notes**



# Map My County Map



## Legend

-  Blueline Streams
-  City Areas
-  World Street Map



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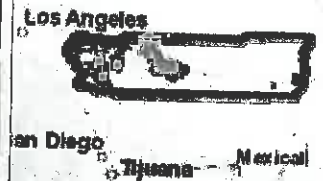
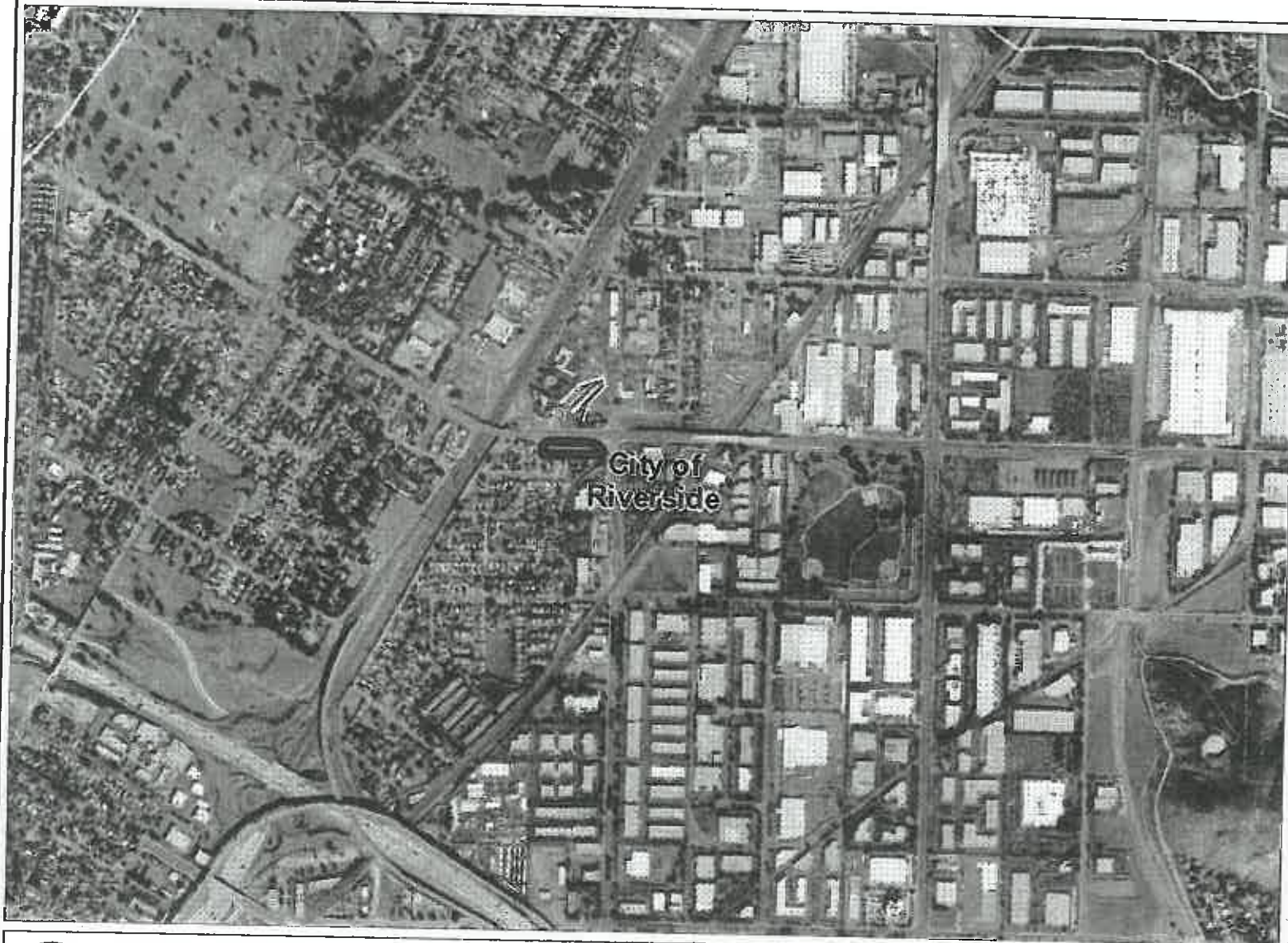
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## Notes



# Map My County Map



## Legend

-  Blueline Streams
-  City Areas
-  World Street Map



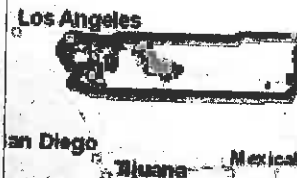
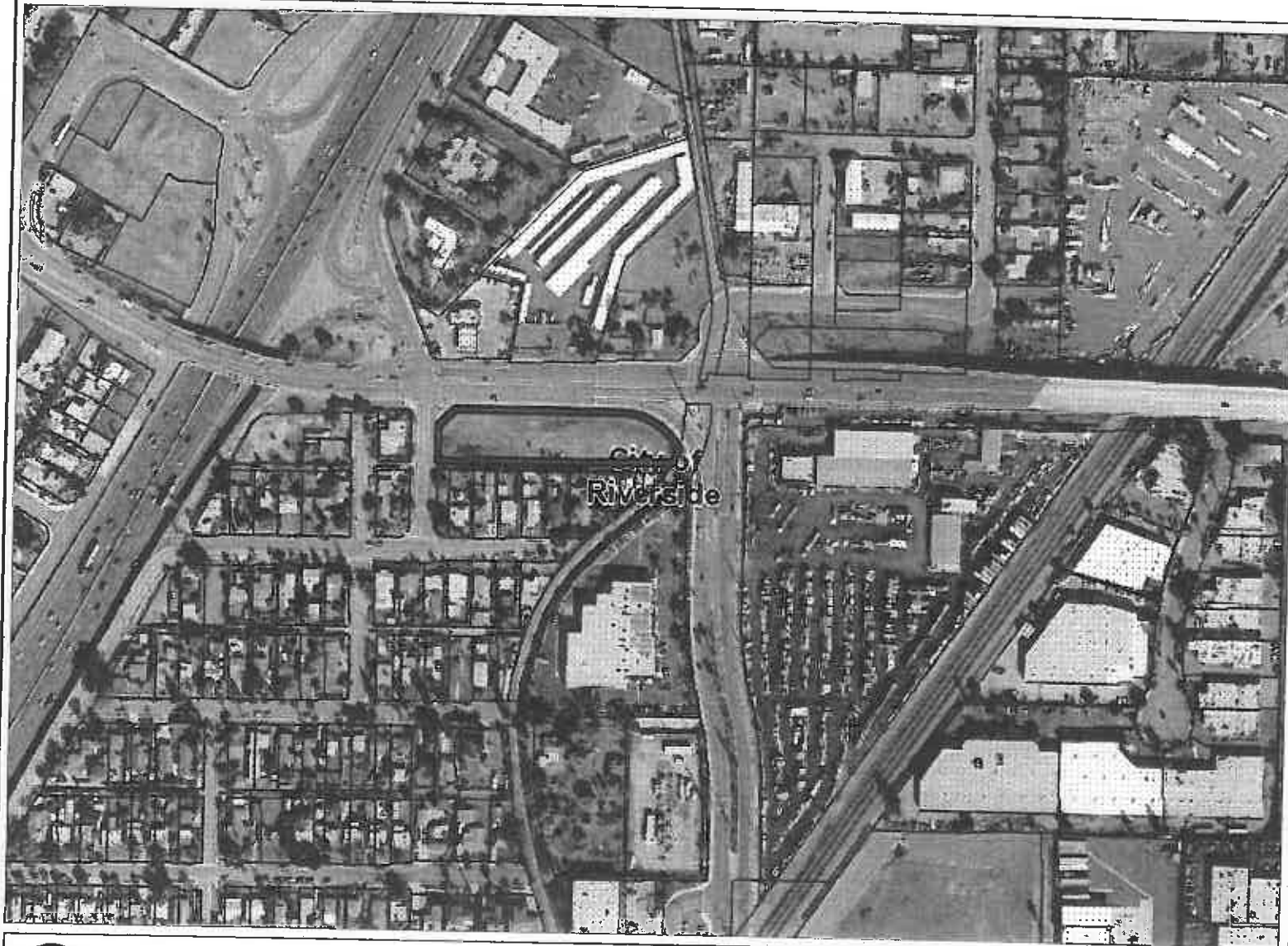
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## Notes

# Map My County Map



## Legend

- Parcels
- Blueline Streams
- City Areas
- World Street Map



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## Notes

0 379 758 Feet

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# Map My County Map



## Legend

-  Parcels
-  Blueline Streams
-  City Areas
-  World Street Map



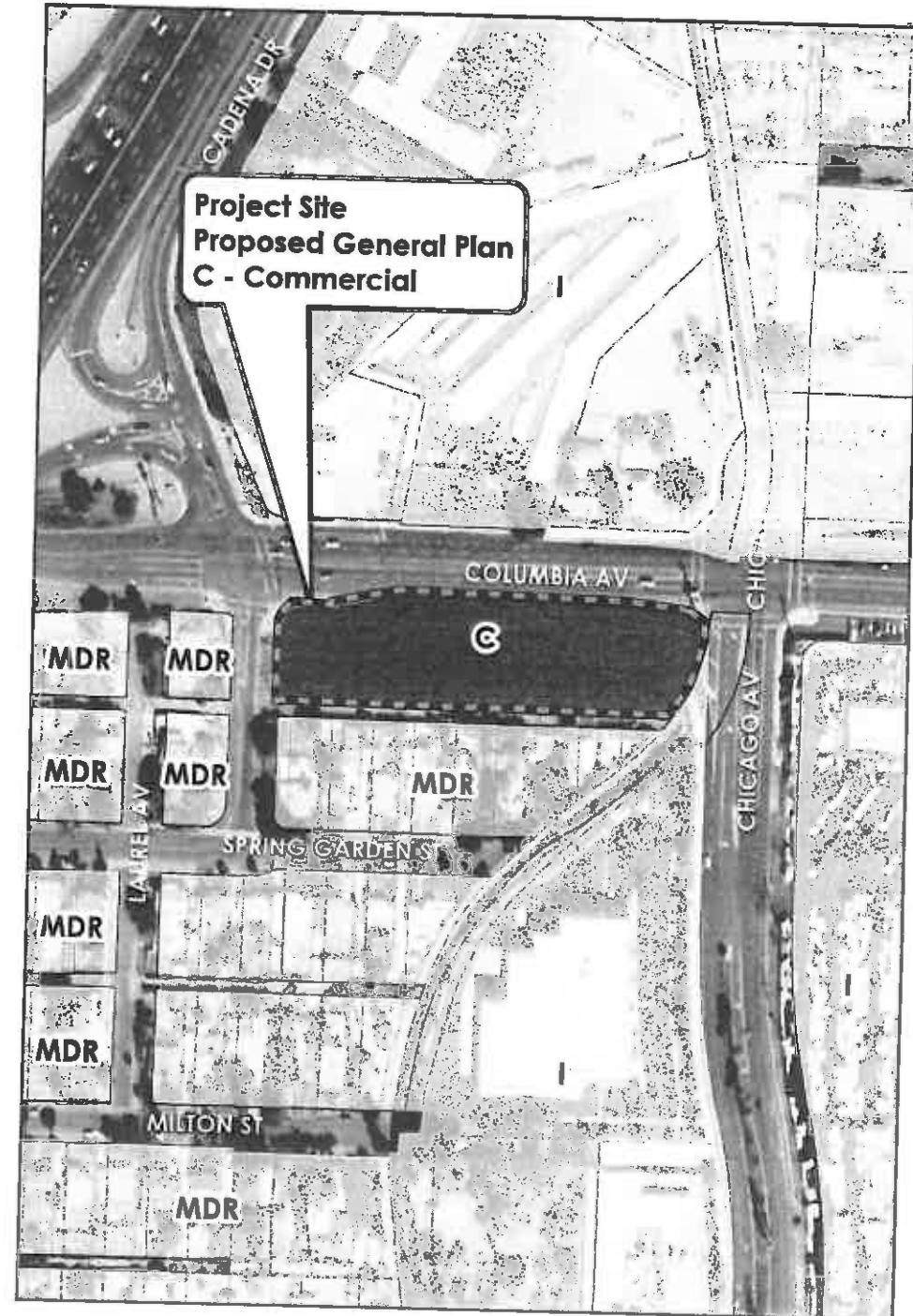
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## Notes



P19-0179-0182 - Existing and Proposed General Plan Maps





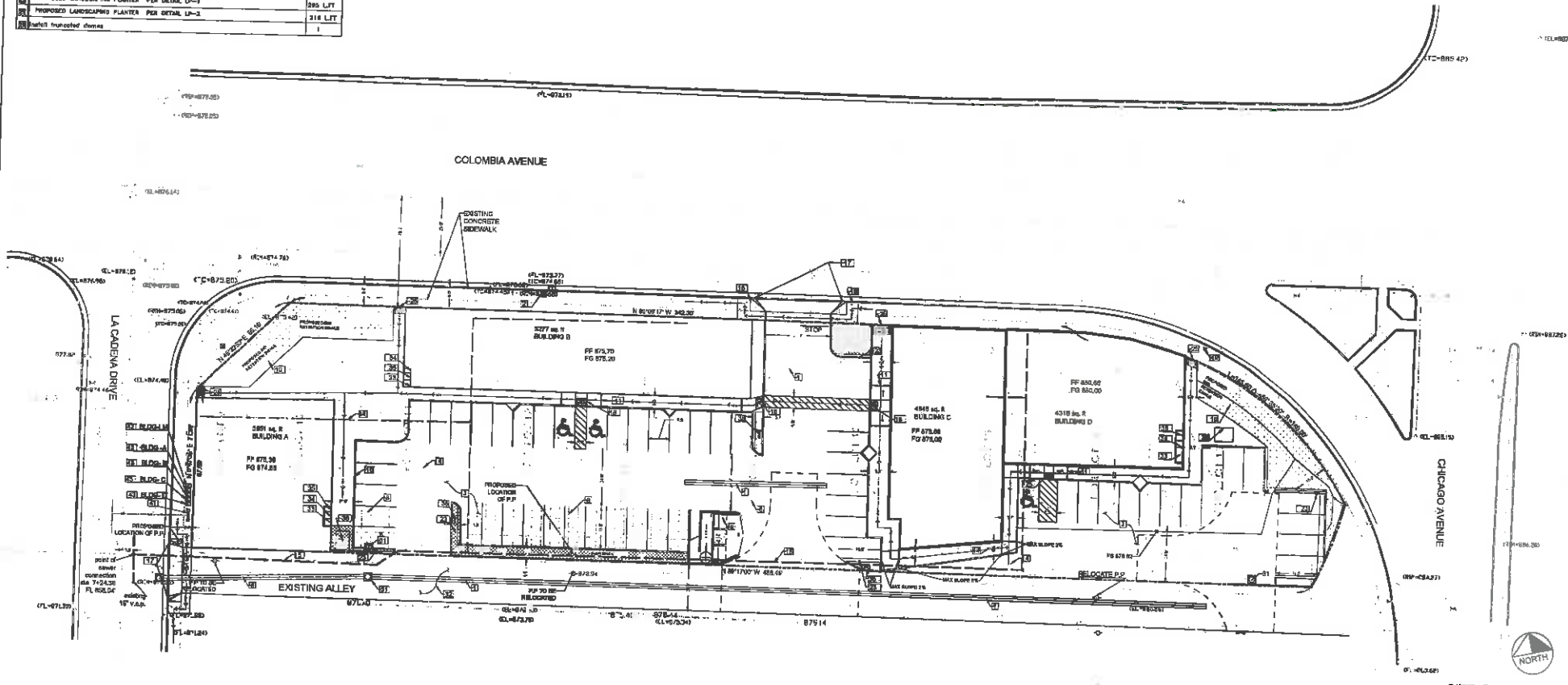
P19-0179-0182 - Existing and Proposed Zoning Maps





DESCRIPTION	QUANTITY
CONSTRUCT 2" CONCRETE W/REIN FOR DETAIL C-1 ON SHEET 4	23107
EXISTING FIRE HYDRANT	1
4000 PSI 8" CONCRETE OVER 8MM W/REIN COMPACTED NATIVE SOIL (MINIMUM WIDTH 20' TO SUPPORT THE SURPOSED LOADS OF ALONG POURED LIVE LOAD (GROSS VEHICLE WEIGHT DISTRIBUTED OVER TWO ALLES), DRIVE WADE = 3250 SO. FT	36,200 S&LFT.
FINISH (IN PLACE) CONCRETE PER DETAIL C-1 PER SECTION PP-1	783 LF
FINISH (IN PLACE) CONCRETE PER DETAIL C-1 PER SECTION PP-1	1791 SF
FINISH (IN PLACE) CONCRETE PER DETAIL C-1 PER SECTION PP-1	1
SURFACE SIG. ATTENTION SHALL BE PER SECTION A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-13, A-14, A-15, A-16, A-17, A-18, A-19, A-20, A-21, A-22, A-23, A-24, A-25, A-26, A-27, A-28, A-29, A-30, A-31, A-32, A-33, A-34, A-35, A-36, A-37, A-38, A-39, A-40, A-41, A-42, A-43, A-44, A-45, A-46, A-47, A-48, A-49, A-50, A-51, A-52, A-53, A-54, A-55, A-56, A-57, A-58, A-59, A-60, A-61, A-62, A-63, A-64, A-65, A-66, A-67, A-68, A-69, A-70, A-71, A-72, A-73, A-74, A-75, A-76, A-77, A-78, A-79, A-80, A-81, A-82, A-83, A-84, A-85, A-86, A-87, A-88, A-89, A-90, A-91, A-92, A-93, A-94, A-95, A-96, A-97, A-98, A-99, A-100, A-101, A-102, A-103, A-104, A-105, A-106, A-107, A-108, A-109, A-110, A-111, A-112, A-113, A-114, A-115, A-116, A-117, A-118, A-119, A-120, A-121, A-122, A-123, A-124, A-125, A-126, A-127, A-128, A-129, A-130, A-131, A-132, A-133, A-134, A-135, A-136, A-137, A-138, A-139, A-140, A-141, A-142, A-143, A-144, A-145, A-146, A-147, A-148, A-149, A-150, A-151, A-152, A-153, A-154, 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DESCRIPTION	QUANTITY
BRICKS BOX 24"X24" PER DETAIL ON SHEET 8	1
REIN PER CITY OF RIVERSIDE STANDARD DRAWING #110 TYPE 2	1
ELECTRIC PANEL ROOM	1
TIME LOSS ROOM	1
BASE ROOM	1
ELECTRIC TRANSFORMER UNDERGROUND	1
PER CITY OF RIVERSIDE STANDARD DRAWING #110 TYPE 2	1
REIN PER CITY OF RIVERSIDE STANDARD DRAWING #110 TYPE 2	1
PROPOSED FIRE SMOKE EXHAUST ON CHIMNEY	1
INSTALL 2" DOUBLE DETECTOR CHECK PER RIVERSIDE STANDARD DETAIL (Model Series 2"X2"X18")	1
4" W/REIN WATER LANDSCAPING	1
2" WATER PIPES	1



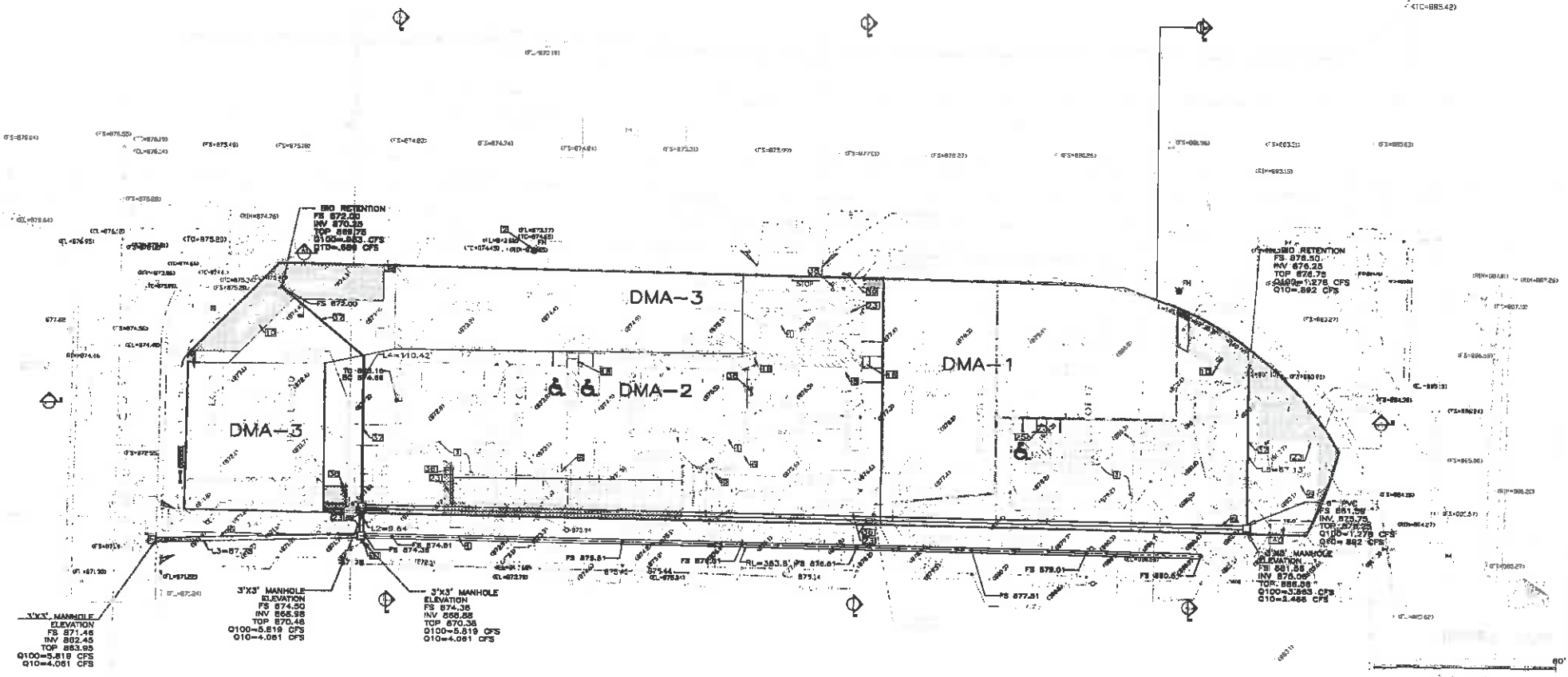
<p>"AS BUILT"</p> <p>THESESE OF ALL PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE CITY OF RIVERSIDE STANDARD DRAWING #110 TYPE 2</p>		<p>SEAL</p>	<p><b>APECO ENGINEERING</b></p> <p>328 N. STATE ST HEMET, CA 92543</p> <p>1-760-487-3700 WWW.APECOENGINEERING.COM</p>	<p>DATE: 11/15/2011</p>					
<p>OWNER: JALAL IBRAHIM RAHMANI</p> <p>DATE: 04/17/2011</p>	<p>DESIGNER: JALAL IBRAHIM RAHMANI</p> <p>DATE: 04/17/2011</p>	<p>SCALE: HORIZONTAL</p> <p>AS NOTED</p> <p>VERTICAL</p> <p>AS NOTED</p>	<p>PREPARED BY: JALAL IBRAHIM RAHMANI</p> <p>DATE: 04/17/2011</p> <p>DATE: 04/17/2011</p> <p>DATE: 04/17/2011</p>	<p>CITY OF RIVERSIDE ENGINEERING DEPARTMENT</p> <p>DRIVING PLAN</p> <p>APPROVED: _____ DATE: _____</p> <p>CITY ENGINEER</p>					
<p>UNDERGROUND SERVICE ALERT</p> <p>CALL: TOLL FREE 1-800-422-4133</p> <p>422-4133</p>	<p>BENCH MARK: SOURCE: RIVERSIDE CITY OF RIVERSIDE BENCHMARK #140</p> <p>PLUMB: PROJECT ORIGINATOR: THE CITY OF RIVERSIDE</p> <p>THE NORTHWEST CORNER OF THE INTERSECTION OF LA CADENA DRIVE AND CHICAGO AVENUE</p> <p>ORIGIN: JALAL IBRAHIM RAHMANI</p>	<p>REVISION DESCRIPTION</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REVISION				<p>DATE: 11/15/2011</p> <p>DATE: 11/15/2011</p> <p>DATE: 11/15/2011</p>
NO.	DATE	REVISION							





DESCRIPTION	QUANTITY
CONSTRUCT 24" CONCRETE ALLEYS PER DETAIL 9-1 ON SHEET 4	24 LF
CONCRETE DRIVE	1
WOOD FOR 8" CONCRETE OVER RISK MIN. COMPACTED NATIVE SOIL (MINIMUM WIDTH 20') TO SUPPORT THE IMPROVED LOADS OF WOOD POUND LIVE LOAD (CROSS VEHICLE WEIGHT DISTRIBUTED OVER TWO ALLEYS). DRIVEWAYS = 3600 SQ. FT. FANOUTS (CONCRETE) 22170 SQ. FT.	36000
TOTAL 18" (1.5") SURFACES CONCRETE PER SECTION 2-1 (18" x 18" x 18")	733 LF
TOTAL 18" (1.5") SURFACES CONCRETE PER SECTION 2-2 (18" x 18" x 18")	1748 LF
PROPOSED PARKING SPACES PER SECTION 2-1	1
PROPOSED DISCOUNT QUANTITY 18" (1.5") SURFACES CONCRETE PER SECTION 2-1	1
SURFACE BIO RETENTION WALLS PER SECTION 2-4, 2-5, 2-6, 2-7 ON SHEET 4	1
ADA RAMP PER CITY OF RIVERSIDE STANDARD DRAWING 2104 TYPE 2	1
DRIVER LANE PROPOSED PVT # PVC 200x200x200	10 LF
DRIVER LANE PROPOSED PVT # PVC 200x200x200	10 LF
CURB PER CITY OF RIVERSIDE STANDARD DRAWING 2200 TYPE 2	1225 LF
DRIVE WAY APPROACH PER CITY OF RIVERSIDE STANDARD DRAWING 2202	274 sq.ft.
INSTALL RAMP AND TRUNCATED DOWNS ALONG ADA PATH OF TRAVEL PER SHEET 4 AND 2-3 & ADA-5	187 S.F.T
PROPOSED LANDSCAPING PLANTER PER DETAIL LP-1	288 LF
PROPOSED LANDSCAPING PLANTER PER DETAIL LP-2	216 LF
REMOVE truncated domes	1

DESCRIPTION	QUANTITY
BRIDGE BOX 24"x24" SEE DETAIL ON SHEET 4	1
ALY PER CITY OF RIVERSIDE STANDARD DRAWING #160 TYPE 2	8882 sq.ft.
ELECTRIC PAINT ROOM	4
PIPE WIPER ROOM	4
DATA ROOM	4
ELECTRIC TRANSFORMER UNDERGROUND	2
1" PVC Storm Sewer Pipe	2
INSTALL 1" PVC STORM SEWER SWITCH ASSEMBLY	2
PROPOSED FIRE HYDRANT ON CHICAGO	1
INSTALL 3" SOIL DETECTOR UNDER NEW WOOD SHANGHAI DETAIL (Miner) 2x10x10	1
370# double shear nuts assemblies 2-1/2"x10"	1
2" WOOD METAL LANDSCAPING	1
3" TRUNK WIRES	4

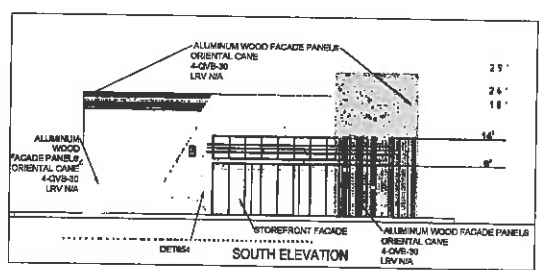
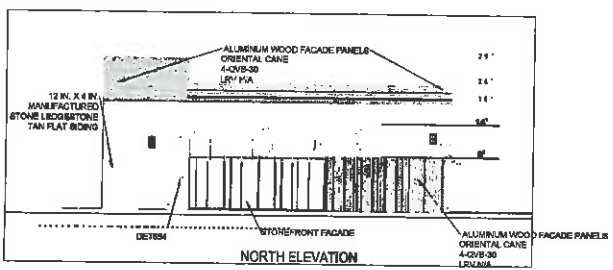
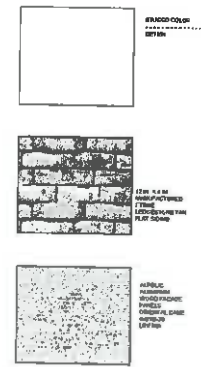
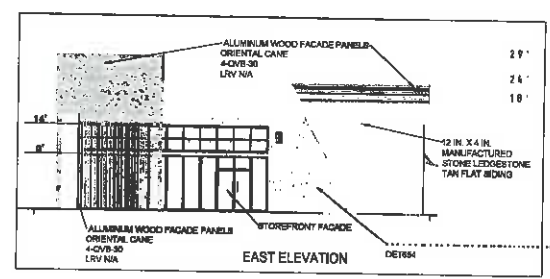
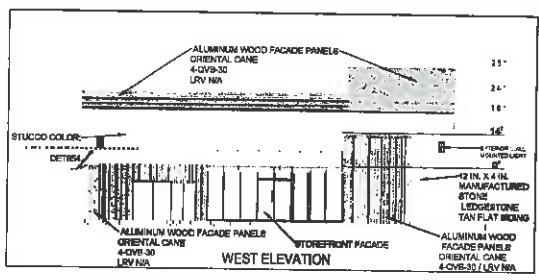


"AS BUILT"		SEAL	CITY OF RIVERSIDE ENGINEERING DEPARTMENT		
DESIGNER OF WORK: JALAL RAHMAN	DATE: 07/11/2019	SCALE HORIZONTAL AS NOTED VERTICAL AS NOTED	PREPARED BY: [Signature]	DATE: [Date]	SHEET NO. 5
REV. NO. 01	REVISION DATE: 06/20/2019				
UNDERGROUND SERVICE ALERT	CALL TOLL FREE 1-800-422-4133	ENGR. NAME: JALAL RAHMAN	DATE: [Date]	TOTAL: [Blank]	REVISION DESCRIPTION: [Blank]
CITY ENGINEER: [Signature]		ENGR. NO. [Blank]	DATE: [Date]	TOTAL: [Blank]	REVISION DESCRIPTION: [Blank]

OWNER:  
KHALID ALI  
RIVERSIDE, CA

Project DESIGNER :  
**APECO ENGINEERING**  
328 N. STATE ST  
HEMET, CA 92543

Agency Stamp

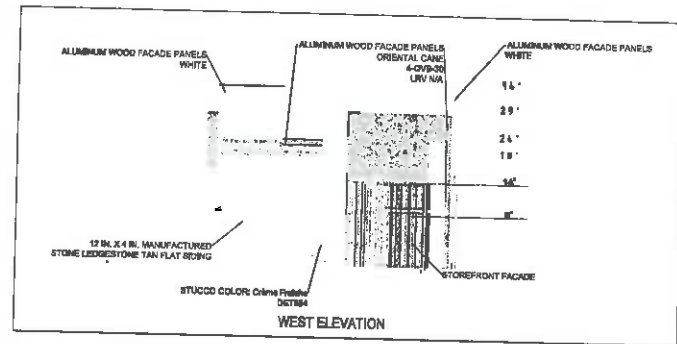
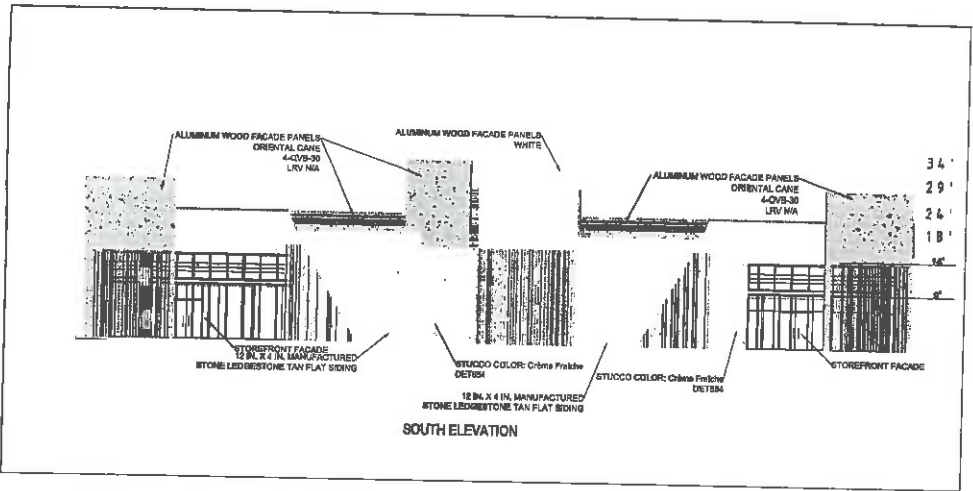
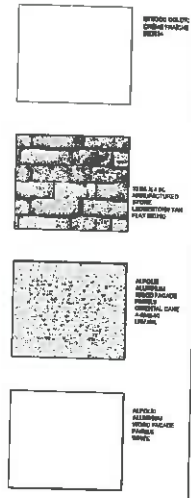
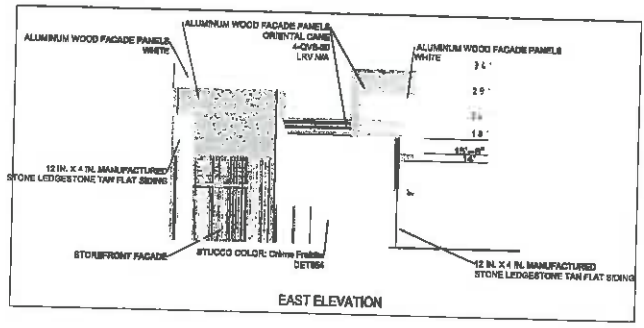
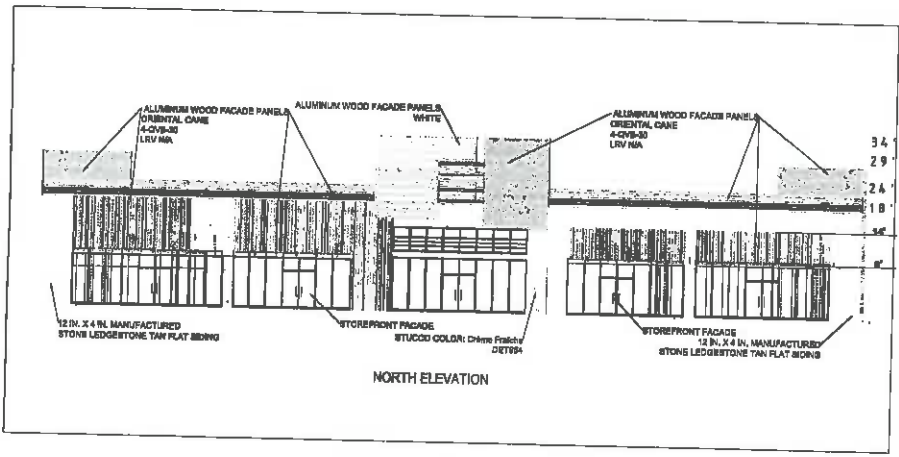


Drawing Status	Date
Schematic	
Design Dev.	
Agencies	
Estimating	
Bidding	
For Const.	
Revisions	Date

Job No.	
Client No.	
Drawn	
Checked	
Scale	

Sheet Title  
**ELEVATION PLAN  
BUILDING A**

Sheet No.  
A-1



OWNER:  
KHALID ALI  
RIVERSIDE, CA

Project DESIGNER:  
**APECO ENGINEERING**  
328 N. STATE ST  
HEMET, CA 92543

Agency Stamp

Drawing Status	Date
Schematics	
Design Dev.	
Agencies	
Estimating	
Bidding	
For Const.	
Revisions	Date

Job No.	
Client No.	
Drawn	
Checked	
Scale	

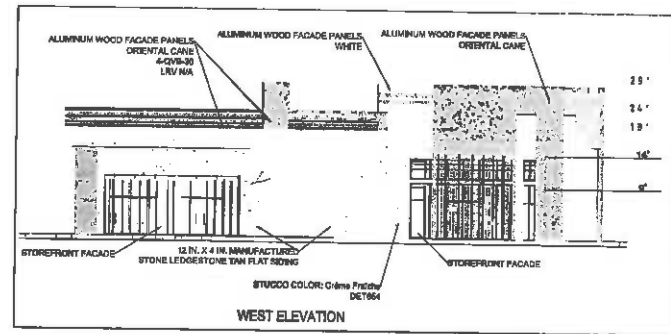
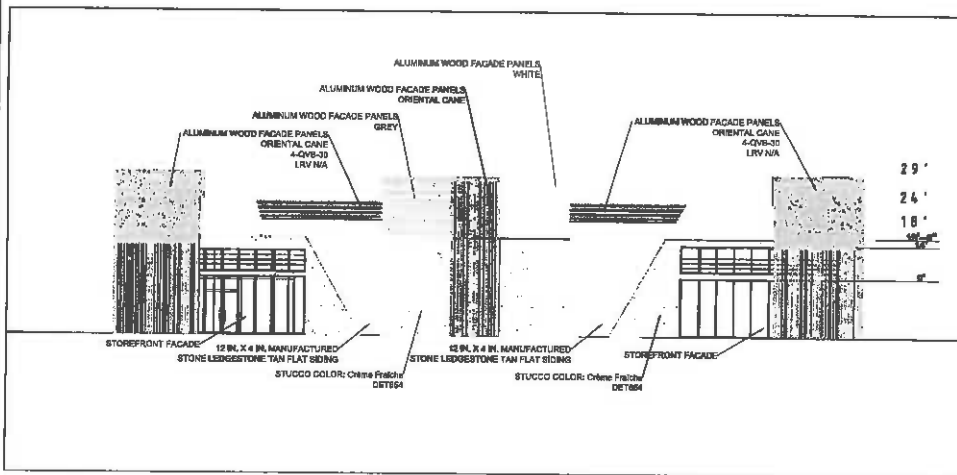
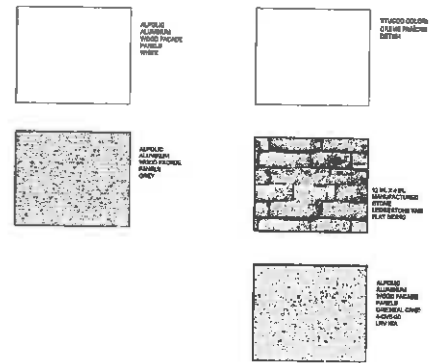
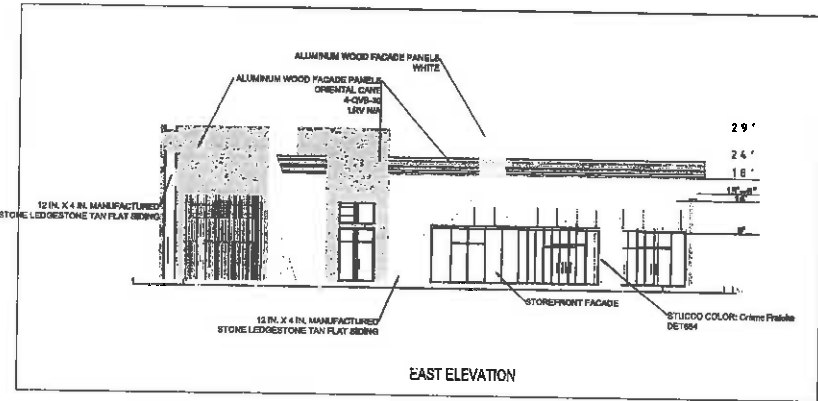
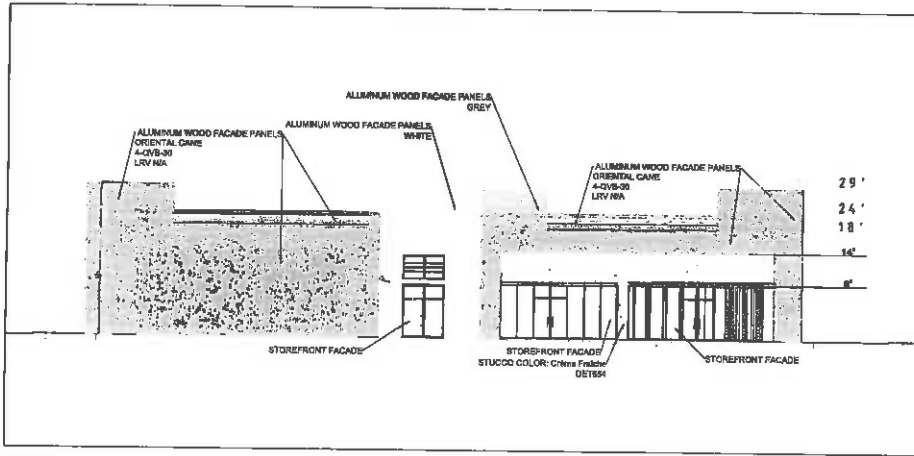
Sheet Title  
**ELEVATION PLAN  
BUILDING A**

Sheet No.  
A-2

OWNER:  
KHALID ALI  
RIVERSIDE, CA

Project DESIGNER :  
**APECO ENGINEERING**  
328 N. STATE ST  
HEMET, CA 92343

Agency Stamp

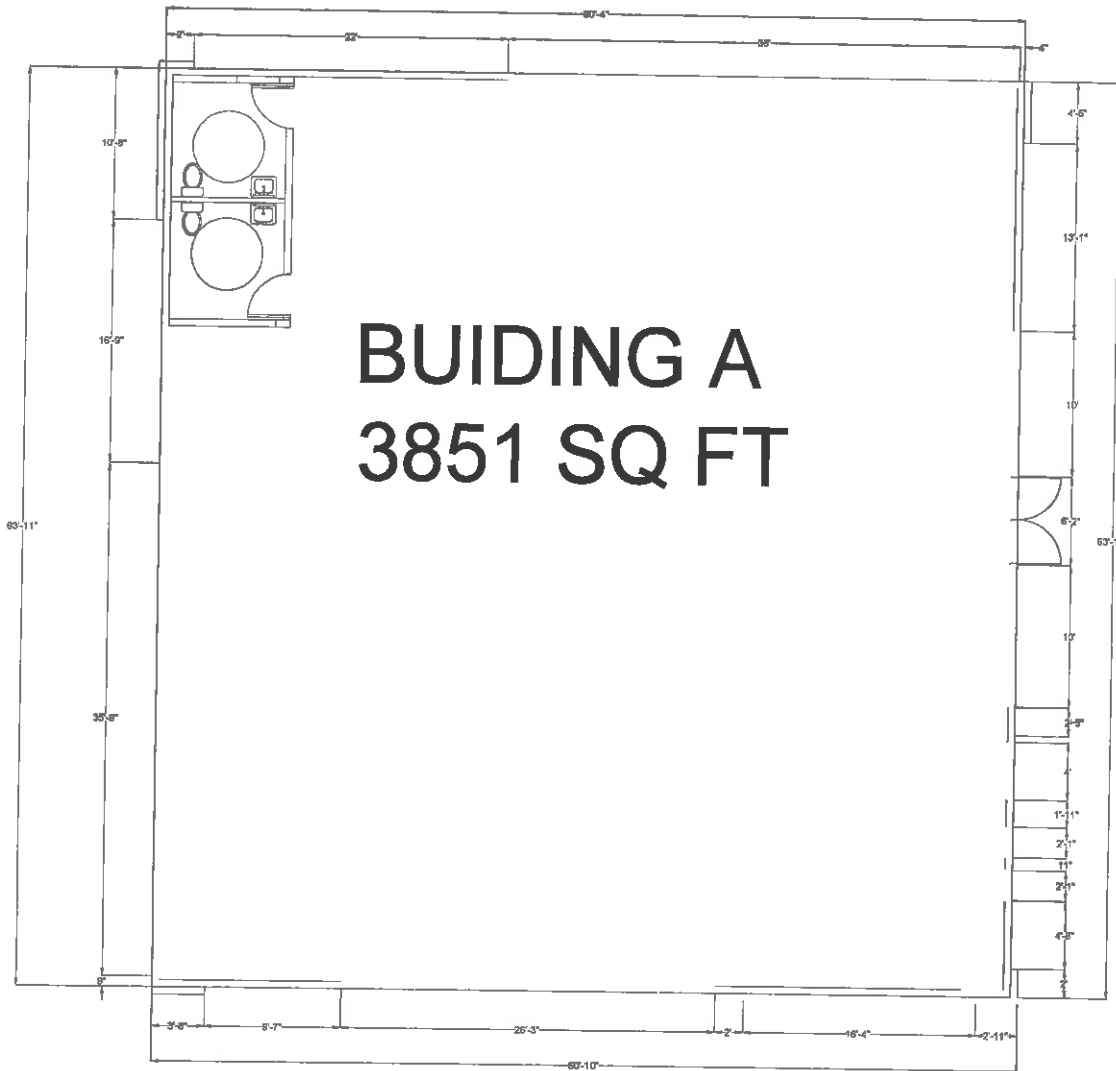


Drawing Status	Date
Schematics	
Design Dev.	
Agencies	
Estimating	
Bidding	
For Const.	
Revisions	Date

Job No.	
Client No.	
Drawn	
Checked	
Scale	
Sheet Title	

**ELEVATION PLAN  
BUILDING A**

Sheet No.  
A-3



OWNER NAME  
STREET ADDRESS  
RIVERSIDE, CA  
TELEPHONE

PROJECT DESIGNER:  
**APECO ENGINEERING**  
328 N. STATE ST  
HEMET, CA 92343

AGENCY STAMP



DRAWING STATUS	DATE
SCHEMATICS	
DESIGN DEV.	
AGENCIES	
ESTIMATING	
BIDDING	
FOR CONST.	

REVISIONS DATE

SCALE 1/4" = 1'

SHEET TITLE

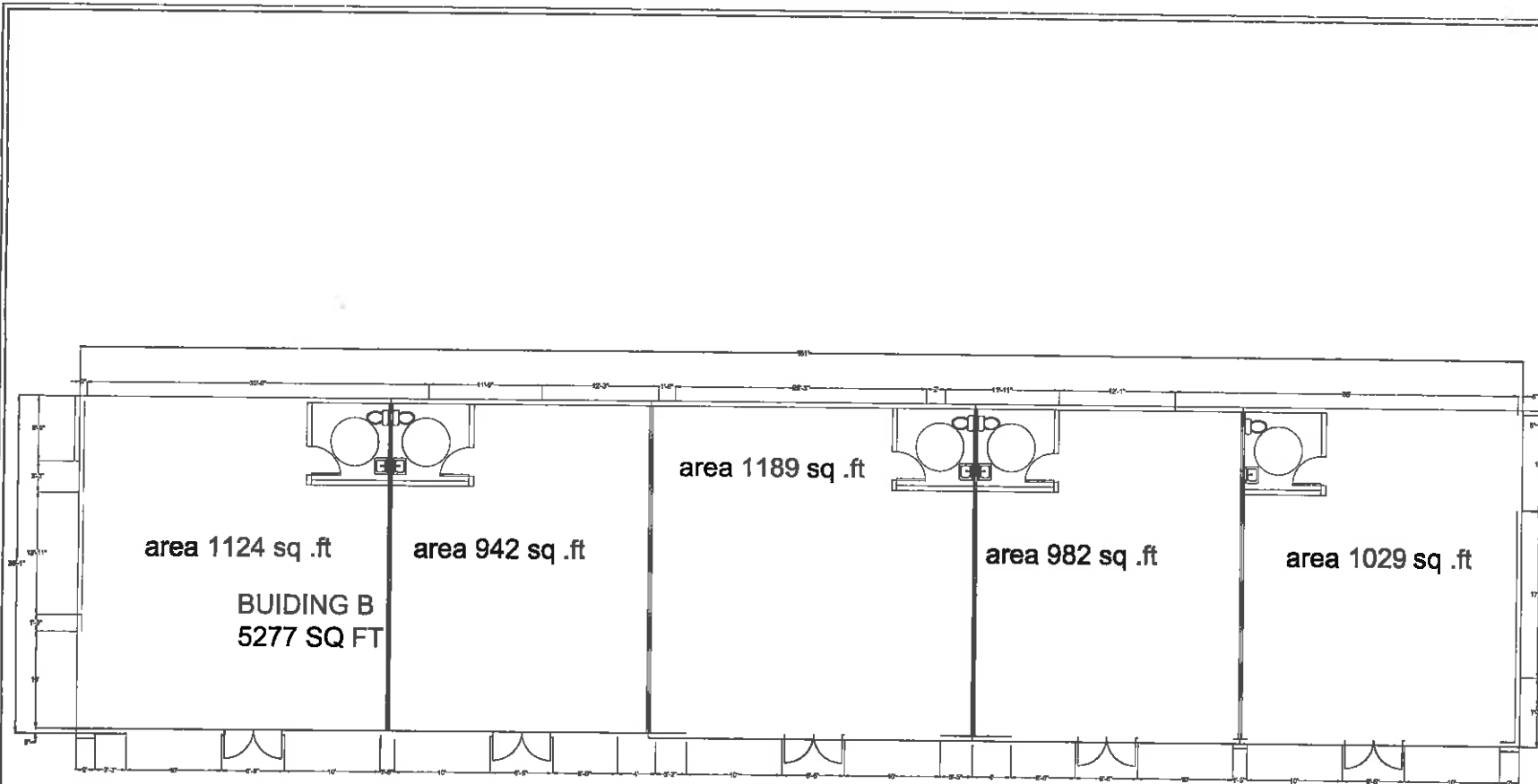
**FLOOR PLAN**

**BUILDING A**

SHEET No.

A-5





OWNER:  
 OWNER NAME  
 STREET ADDRESS  
 RIVERSIDE, CA  
 TELEPHONE

PROJECT DESIGNER:  
**APECO ENGINEERING**  
 328 N. STATE ST  
 HEMET, CA 92543



DRAWING STATUS	DATE
SCHEMATICS	
DESIGN DEV.	
AGENCIES	
ESTIMATING	
BIDDING	
FOR CONST.	
REVISIONS	DATE

JOB NO. \_\_\_\_\_  
 CLIENT NO. \_\_\_\_\_  
 DRAWN \_\_\_\_\_  
 CHECKED \_\_\_\_\_  
 SCALE 3/16" = 1'

SHEET TITLE  
**FLOOR PLAN  
 BUILDING B**

SHEET No.  
**A-6**





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# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

June 11, 2019

Mr. Mike Lara, Director of Building & Safety  
County of Riverside Building & Safety Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside CA 92501

CHAIR  
Steve Manos  
Lake Elsinore

VICE CHAIR  
Russell Betts  
Desert Hot Springs

COMMISSIONERS  
Arthur Butler  
Riverside

John Lyon  
Riverside

Steven Stewart  
Palm Springs

Richard Stewart  
Moreno Valley

Gary Youmans  
Temecula

STAFF

Director  
Simon A. Housman

John Guerin  
Paul Rull  
Barbara Santos

County Administrative Center  
4080 Lemon St., 14<sup>th</sup> Floor  
Riverside, CA 92501  
(951) 955-6132

[www.rcaluc.org](http://www.rcaluc.org)

## RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW – DIRECTOR'S DETERMINATION

File No.: ZAP1040RG19  
Related File No.: Ordinance Amendment No. 457.104  
APN: Countywide

Dear Mr. Lara:

As authorized by the Riverside County Airport Land Use Commission (ALUC) pursuant to its Resolution No. 2011-02, as ALUC Director, I have reviewed Ordinance Amendment No. 457.104, a proposal to amend County Ordinance No. 457.103 relating to the building requirements and adopting as amended; the 2016 California Administrative Code; the 2016 California Building Code; the 2016 California Residential Code; the 2016 California Electrical Code; the 2016 California Mechanical Code; the 2016 California Plumbing Code; the 2016 California Energy Code; the 2016 California Historic Building Code; the 2016 California Green Building Standards Code; and implementing building requirements pursuant to the State Housing Law, Mobilehome Parks Acts, Special Occupancy Parks Act, Employee Housing Act, and Factory-Built Housing Law, within unincorporated areas of County of Riverside.

There are no development standard changes or changes to zoning land uses that would increase residential density or non-residential intensity within the proposed amendment. Therefore, this ordinance has no possibility for having an impact on the safety of air navigation within airport influence areas located within the unincorporated areas of Riverside County.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with all Riverside County Airport Land Use Compatibility Plans.

This determination of consistency relates to airport compatibility issues and does not necessarily constitute an endorsement of the proposed amendment.

If you have any questions, please contact Paul Rull, ALUC Principal Planner, at (951) 955-6893.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Simon A. Housman, ALUC Director

Y:\AIRPORT CASE FILES\Regional\ZAP1040RG19\ZAP1040RG19.LTR.doc



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- f. As a result, the County of Riverside is required to adopt by ordinance the most recent California Building Standards Code.
- g. The County of Riverside may establish more restrictive building standards than the California Building Standards Code by making express findings that the more restrictive building standards are reasonably necessary because of local climatic, geological or topographical conditions, pursuant to Health and Safety Code sections 17958, 17958.5, 17958.7 and 18941.5,
- h. Findings of the local conditions and the adopted local building standards must be filed with the California Building Standards Commission to become effective and may not be effective sooner than the effective date of current edition of the California Building Standards Code.
- i. Riverside County has a variety of local climatic, geological or topographical conditions that require local modification of the 2016 California Building Standards Code for the County of Riverside.
- j. Riverside County has an arid climate with annual rainfall varying from 3 inches in Blyth to over 33 inches in Pine Cove. Riverside County also experiences annual hot and dry Santa Ana winds. These conditions require local modifications to the criteria for location, architectural design, structural design, and processing of building permits for buildings, structures, grading, and improvements in the County of Riverside.
- k. A variety of regions exist within Riverside County including deserts, mountains, brush covered wild lands, the Salton Sea, and agricultural lands. Additionally, elevations within Riverside County range from 300 feet below sea level to mountains over 10,000 feet in height. These conditions require local modifications to the criteria for location, architectural design, structural design, and processing of building permits for buildings, structures, grading, and improvements in the County of Riverside.
- l. Riverside County contains a large number of sensitive habitats for various species and vegetation, consists of large open space areas between urban



1 centers and includes landscapes varying from mountains and hills to valleys  
2 and deserts. These conditions require local modifications to the criteria for  
3 location, architectural design, structural design, and processing of building  
4 permits for buildings, structures, grading, and improvements in the County of  
5 Riverside.

6 m. Among the many earthquake faults in Riverside County, two major  
7 earthquake faults, the San Andreas Fault and the San Jacinto Fault, bisect  
8 Riverside County and numerous minor faults exist throughout Riverside  
9 County. As a result, a substantial amount of building and structures located in  
10 Riverside County are likely to be impacted by earthquakes. These conditions  
11 require local modifications to the criteria for location, architectural design,  
12 structural design, and processing of building permits for buildings, structures,  
13 grading, and improvements in the County of Riverside.

14 n. In addition to earthquakes, a substantial amount of buildings and structures  
15 located in Riverside County are likely to be impacted by landslides, wind  
16 erosion, blown sand, flooding and wildfires due to the County's unique  
17 climatic, geological and topographical conditions. These conditions require  
18 local modifications to the criteria for location, architectural design, structural  
19 design, and processing of building permits for buildings, structures, grading,  
20 and improvements in the County of Riverside.

21 o. The topography within Riverside County extends from flat to 25% slope for  
22 habitable land. These conditions require local modifications to the criteria for  
23 location, architectural design, structural design, and processing of building  
24 permits for buildings, structures, and improvements in the County of  
25 Riverside.

26 p. The local modifications to the California Building Standards Code are  
27 necessary to establish the minimum requirements for building standards of  
28 buildings, structures, and improvements in order to protect the public health,  
safety and general welfare in the County of Riverside.

- 1 q. The California Building Standards Code also requires a local enforcement  
2 agency to establish a schedule of permit fees for buildings, structures,  
3 electrical, gas, mechanical and plumbing systems or alterations requiring a  
4 permit.
- 5 r. Other than the building standards contained in California Building Standards  
6 Code, a local enforcement agency is also required to implement the State  
7 Housing Law, Mobilehome Parks Act, Special Occupancy Parks Act,  
8 Employee Housing Act, and Factory-Built Housing Law.
- 9 s. Article XI, section 7 of the California Constitution, the County of Riverside  
10 may adopt ordinances and enforce within its limits all local, police, sanitary,  
11 and other ordinances and regulations not in conflict with general laws.
- 12 t. An enforcement agency is required to adopt an ordinance implementing the  
13 requirements of the State Housing Law, Title 25 of the California Code of  
14 Regulations Chapter 1, Subchapter 1, which provides the laws, rules, and  
15 regulations for the erection, construction, reconstruction, movement,  
16 enlargement, conversion, alteration, repair, removal, demolition or  
17 arrangement of apartments, condominiums, hotels, motels, lodging houses  
18 and dwellings, including accessory buildings, facilities and uses thereto.
- 19 u. Pursuant to the State Housing Law and Article XI, section 7 of the California  
20 Constitution, the County of Riverside may declare and establish as a public  
21 nuisance every substandard building or portion thereof as defined in the State  
22 Housing Law, Health and Safety Code sections 17920.3 and 17920.10 and  
23 adopt procedures for abatement in compliance with state law pursuant to  
24 California Government Code section 25845.
- 25 v. An enforcement agency is required to implement the Mobilehome Parks Act,  
26 California Health and Safety Code, Division 13, Part 2.1, commencing with  
27 Section 18200 and California Code of Regulations, Title 25, Division 1,  
28 Chapter 2, commencing with Section 1000, which provides the laws, rules,  
and regulations for mobilehome park administrative and enforcement

1 authority, permits, plans, fees, violations, inspections and penalties both  
2 within and outside mobile home parks.

3 w. An enforcement agency is required to implement the Special Occupancy  
4 Parks Act, California Health and Safety Code, Division 13, Part 2.3,  
5 commencing with Section 18860 and California Code of Regulations, Title  
6 25, Division I, Chapter 2.2, commencing with Section 2000, which provides  
7 the laws, rules and regulations for special occupancy park administrative and  
8 enforcement authority, permits, fees, violations, inspections and penalties  
9 both within and outside of special occupancy parks.

10 x. An enforcement agency is required to implement the Employee Housing Act,  
11 California Health and Safety Code, Division 13, Part I, commencing with  
12 Section 17000 and California Code of Regulations, Title 25, Division I,  
13 Chapter 1, Subchapter 3, commencing with Section 600, which provides the  
14 laws, rules and regulations for employee housing administrative and  
15 enforcement authority, permits, fees, violations, inspections and penalties.

16 y. An enforcement agency is required to implement the Factory-Built Housing  
17 Law, California Health and Safety Code, Division J 3, Part 6 commencing  
18 with Section 19960 and California Code of Regulations, Title 25, Division J,  
19 Chapter 3, Subchapter 1, commencing with Section 3000, which provides the  
20 laws, rules and regulations for factory-built housing administrative and  
21 enforcement authority, permits, fees, violations, inspections and penalties.

22 Section 2. PURPOSE. The purpose of this ordinance is to do all of the following:

23 a. Adopt the 2016 California Building Standards Code, California Code of  
24 Regulations, Title 24, including any errata and supplements, with local  
25 amendments to establish the minimum requirements for building standards of  
26 buildings, structures, and improvements, which are necessary to protect the  
27 public health, safety and general welfare. The 2016 California Building  
28 Standards Code includes the following: Administrative Code, Building Code,

1 Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy  
2 Code, Historic Building Code, and Green Building Standards.

- 3 b. Reduce all building permit fees by removing the \$40.00 processing fee.
- 4 c. Declare and establish as a public nuisance every substandard building or  
5 portion thereof as defined in the State Housing Law, Health and Safety Code  
6 sections 17920.3 and 17920.10.
- 7 d. Implement the laws, rules and regulations relating to buildings and structures  
8 to be enforced by local enforcement agencies other than the building  
9 standards contained in the 2016 California Building Standards Code,  
10 including the State Housing Law, Mobilehome Parks Act, Special Occupancy  
11 Parks Act, Employee Housing Act, and Factory-Built Housing Law.

12 Section 3. AUTHORITY. This ordinance is adopted pursuant to all of the following:

- 13 a. California Health and Safety Code sections 17958, 17958.5, 17958.7 and  
14 18941.5, California Building Code section 1.8.6.2 and California Residential  
15 Code section 1.8.6.2, which authorize a local enforcement agency to adopt  
16 more restrictive building standards to the 2016 California Building Standards  
17 Code that are reasonably necessary because of local climatic, geological or  
18 topographical conditions.
- 19 b. California Building Code section 109.2 and California Residential Code  
20 section R108.2, which require a local enforcement agency to establish a  
21 schedule of permit fees for buildings, structures, electrical, gas, mechanical  
22 and plumbing systems or alterations requiring a permit.
- 23 c. Article XI, section 7 of the California Constitution, which authorizes a county  
24 to adopt ordinances and enforce within its limits all local, police, sanitary, and  
25 other ordinances and regulations not in conflict with general laws.
- 26 d. State Housing Law, Title 25 of the California Code of Regulations Chapter 1,  
27 Subchapter 1, Section 6 which requires an enforcement agency to enforce the  
28 laws, rules, and regulations for the erection, construction, reconstruction,  
movement, enlargement, conversion, alteration, repair, removal, demolition

1 or arrangement of apartments, condominiums, hotels, motels, lodging houses  
2 and dwellings, including accessory buildings, facilities and uses thereto.

3 e. Mobilehome Parks Act, California Health and Safety Code, Division 13, Part  
4 2.1, commencing with Section 18200 and California Code of Regulations,  
5 Title 25, Division 1, Chapter 2, commencing with Section 1000, which  
6 requires an enforcement agency to implement the laws, rules, and regulations  
7 for mobilehome park administrative and enforcement authority, permits,  
8 plans, fees, violations, inspections and penalties both within and outside  
9 mobile home parks.

10 f. Special Occupancy Parks Act, California Health and Safety Code, Division  
11 13, Part 2.3, commencing with Section 18860 and California Code of  
12 Regulations, Title 25, Division I, Chapter 2.2, commencing with Section  
13 2000, which requires an enforcement agency to implement the laws, rules and  
14 regulations for special occupancy park administrative and enforcement  
15 authority, permits, fees, violations, inspections and penalties both within and  
16 outside of special occupancy parks.

17 g. Employee Housing Act, California Health and Safety Code, Division 13, Part  
18 I, commencing with Section 17000 and California Code of Regulations, Title  
19 25, Division I, Chapter 1, Subchapter 3, commencing with Section 600, which  
20 requires an enforcement agency to enforce the laws, rules and regulations for  
21 employee housing administrative and enforcement authority, permits, fees,  
22 violations, inspections and penalties.

23 h. Factory-Built Housing Law, California Health and Safety Code, Division J 3,  
24 Part 6 commencing with Section 19960 and California Code of Regulations,  
25 Title 25, Division J, Chapter 3, Subchapter 1, commencing with Section 3000,  
26 which requires an enforcement agency to enforce the laws, rules and  
27 regulations for factory-built housing administrative and enforcement  
28 authority, permits, fees, violations, inspections and penalties.

Section 4. APPLICATION.

1 a. General. This ordinance shall apply to all buildings, structures, grading,  
2 improvements or parts thereof in the unincorporated area of the County of  
3 Riverside.

4 b. Effect on Past Actions and Obligations. The adoption of the 2016 California  
5 Building Standards Code as amended, does not affect any civil lawsuit  
6 instituted or filed or prosecutions for ordinance violations committed on or  
7 prior to the effective date of this ordinance, does not waive any fee or penalty  
8 due and unpaid prior to the effective date of this ordinance, and does not affect  
9 the validity of any bond or cash deposit posted, filed or deposited pursuant to  
10 the requirements of any ordinance.

11 c. References to the Previous Ordinance No. 457.103. Unless superseded and  
12 expressly repealed, references in County forms, documents and regulations to  
13 the chapters and sections of the former Ordinance No. 457.103 shall be  
14 construed to apply to the corresponding provisions contained within the  
15 current Ordinance No. 457.104. Ordinance No. 457.103 and all other  
16 ordinances or parts of ordinances in conflict with this current ordinance are  
17 hereby superseded and expressly repealed.

18 d. No Permission to Violate Other Riverside County Ordinances. The issuance  
19 or granting of any building permit or approval of any plan, specification,  
20 computations, or inspection does not constitute a permit for, or an approval  
21 of, any violation of the provisions of any Riverside County ordinance. The  
22 issuance of any building permit or approval of any plan, specification,  
23 computations, or inspection presuming to grant authority to violate or cancel  
24 the provisions of any Riverside County ordinance is not valid.

25 Section 5. EXEMPTION. This ordinance shall not apply to buildings, structures,  
26 grading, improvements or parts thereof preempted by State law from local regulation.

27 Section 6. ADOPTION OF THE 2016 CALIFORNIA BUILDING STANDARDS  
28 CODE AS AMENDED HEREIN. The 2016 California Building Code, including any errata and  
supplements, is adopted in its entirety except as to the following:



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A. Duties and Powers of the Building Official. Section 104.1 of the California Building Code is reiterated as follows:

**"104.1 Duties and Powers of the Building Official.** The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code."

B. Alternative Materials, Design and Methods of Construction and Equipment.

Section 104.11 of the California Building Code is amended as follows:

**"104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the building official. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. *An alternative material, design or method of construction shall also be approved where the building official finds that the proposed method of construction provides equivalent flood protection or if the unique characteristics of a building site make the requirements unnecessary. The building official may require plans for an alternative material, design or method of construction which are prepared by a registered design professional or registered civil engineer.* Where the alternative material

1 design or method of construction is not approved, the building official shall  
2 respond in writing, stating the reasons why the alternative was not approved.  
3 [DSA-SS, DSA-SS/CC & OSHPD 1, 2 & 4] Alternative system shall satisfy  
4 ASCE 7 Section 1.3, unless more restrictive requirements are established by  
5 this code for an equivalent system.

6 [DSA-SS, DSA-SS/CC] Alternative systems shall also satisfy the California  
7 Administrative Code, Section 4-304.

8 [OSHPD 1, 2 & 4] Alternative systems shall also satisfy the California  
9 Administrative Code, Section 7-104.”

10 C. Required Permits. Section 105.1 of the California Building Code is reiterated  
11 as follows:

12 “105.1 Required. Any owner or owner's authorized agent who intends to  
13 construct, enlarge, alter, repair, move, demolish or change the occupancy of  
14 a building or structure, or to erect, install, enlarge, alter, repair, remove,  
15 convert or replace any electrical, gas, mechanical or plumbing system, the  
16 installation of which is regulated by this code, or to cause any such work to  
17 be performed, shall first make application to the building official and obtain  
18 the required permit.”

19 D. Construction Without Permit. A new Section 105.1.3 is added to the  
20 California Building Code to read as follows:

21 “105.1.3 Construction Without Permit. To remedy any construction  
22 without permit, as defined in Section 202 of this code, any owner or owner's  
23 authorized agent applicant shall comply with the provisions of the applicable  
24 Part of the California Building Standards Code, Riverside County ordinances,  
25 and Riverside County Building and Safety Department policies and  
26 procedures in effect at the time of the building plan submittal to obtain the  
27 required permit(s). The building official may determine whether non-  
28 deconstruction testing or deconstruction testing will be required to verify  
whether the construction without permit complies with the applicable Part of

1 the California Building Standards Code, Riverside County ordinances, and  
2 Riverside County Building and Safety Department policies and procedures.”

3 E. Time Limitation of Permit Application. Section 105.3.2 of the California  
4 Building Code is reiterated to read as follows:

5 “105.3.2 Time limitation of application. An application for a permit for any  
6 proposed work shall be deemed to have been abandoned 180 days after the  
7 date of filing unless such application has been pursued in good faith or a  
8 permit has been issued; except that the building official is authorized to grant  
9 one or more extensions of time for additional periods not exceeding 90 days  
10 each. The extension shall be requested in writing and justifiable cause  
11 demonstrated. [OSHPD 1, 2, & 4] Time limitation shall be in accordance with  
12 the California Administrative Code, Chapter 7, Section 7-129.”

13 F. Permit Expiration. Section 105.5 of the California Building Code is amended  
14 to read as follows:

15 “105.5 Expiration. Every permit issued shall become invalid unless the work  
16 on the site authorized by such permit is commenced within 12 months after  
17 its issuance and an approved building inspection has not been obtained within  
18 12 months from the date of issuance of the permit, or if the work authorized  
19 on the site by such permit is suspended or abandoned for a period of 12  
20 months after the time the work is commenced. A permit shall be deemed  
21 suspended or abandoned if more than 12 months elapses prior to filing a  
22 request for extension of time on the permit with the building official. The  
23 building official is authorized to grant, in writing, one or more extensions of  
24 time, for periods not more than 180 days each. The extension shall be  
25 requested in writing and justifiable cause demonstrated, including  
26 documentation of the substantial completion of a required inspection  
27 pursuant to Section 110. When a permit expires under this section, no work  
28 shall be done unless the owner or owner’s authorized agent obtains a new  
permit.”

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G. Recommencement of Work After Expiration, Suspension or Revocation of Permit. A new Section 105.8 is added to the California Building Code to read as follows:

“**105.8 Recommencement of Work After Expiration, Suspension or Revocation.** After expiration, suspension or revocation of a permit, any owner or owner’s authorized agent must obtain the required new permit prior to recommencing work. The permit fee shall be determined by using the approved fix-rate fee or deposit-based fee for the activity permitted. If there has been a major code change between the expired, suspended or revoked permit date and the request for a new permit for the same work, fees will be charged for the time necessary to verify compliance with the new building codes that have been adopted since the initial permit was issued. A major code change includes revisions, errata, or supplements issued by the California Building and Standards Commission to any Part of the California Building Standards Code.”

H. Submittal Documents – General. Section 107.1 of the California Building Code is amended to read as follows

“**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed *and the documents shall bear the stamp and signature of the registered design professional.* Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional *and the documents shall bear the stamp and signature of the registered design professional.*”

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to

1 be prepared by a registered design professional if the building official  
2 determines that the nature of the work applied for is such that review  
3 of construction documents is not necessary to obtain compliance with  
4 this code.

5 I. Exemption to Submittal Documents Prepared by a Registered Design  
6 Professional. A new Section 107.1.1 is added to the California Building Code  
7 to read as follows:

8 **"107.1.1 Exemption to submittal documents prepared by a registered**  
9 **design professional.** As set forth in Business and Professions Code Sections  
10 5537 and 6737.1, a person other than a registered design professional as  
11 defined in this code may prepare construction documents for the following:

- 12 1. Single-family dwellings of woodframe construction not more than  
13 two stories and basement in height.
- 14 2. Multiple dwellings containing no more than four dwelling units of  
15 woodframe construction not more than two stories and basement in  
16 height. However, this paragraph shall not be construed as allowing an  
17 unlicensed person to design multiple clusters of up to four dwelling  
18 units each to form apartment or condominium complexes where the  
19 total exceeds four units on any lawfully divided lot.
- 20 3. Garages or other structures appurtenant to buildings described under  
21 subdivision (a), of woodframe construction not more than two stories  
22 and basement in height.
- 23 4. Agricultural and ranch buildings of woodframe construction, unless  
24 the building official having jurisdiction deems that an undue risk to  
25 the public health, safety, or welfare is involved.

26 If any portion of any structure exempted by this section deviates from  
27 substantial compliance with conventional framing requirements for  
28 woodframe construction found in the most recent edition of Title 24 of the  
California Code of Regulations or tables of limitation for woodframe

1 construction, as defined by the applicable Part of the California Building  
2 Standards Code duly adopted by the County of Riverside or the state, the  
3 building official shall require the preparation of plans, drawings,  
4 specifications, or calculations for that portion by, or under the responsible  
5 control of, a licensed architect or registered engineer. The documents for that  
6 portion shall bear the stamp and signature of the licensee who is responsible  
7 for their preparation. Substantial compliance for purposes of this section is  
8 not intended to restrict the ability of the building officials to approve plans  
9 pursuant to existing law and is only intended to clarify the intent of Chapter  
10 405 of the Statutes of 1985.

11 **Exception:** At no time may a contractor or person other than a  
12 registered design professional prepare construction documents for  
13 design for others.”

14 J. Earthquake Fault Zones. A new Section 107.2.1.1 is added to the California  
15 Building Code to read as follows:

16 “**107.2.1.1 Earthquake Fault Zones.** In addition to the requirements of this  
17 code, all applicants for a building permit for a building or structure used for  
18 human occupancy that lies within an earthquake fault zone delineated by the  
19 State Geologist pursuant to Public Resources Code Section 2621 et seq. and  
20 which is subject to Riverside County Ordinance No. 547, shall comply with  
21 all the provisions thereof.”

22 K. Schedule of Permit Fees. Section 109.2 of the California Building Code is  
23 amended to read as follows:

24 “**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas,  
25 mechanical, and plumbing systems or alterations requiring a permit, a fee for  
26 each permit shall be paid as required, in accordance with the schedule as  
27 established by *Riverside County Ordinance No. 457 and shown on Appendix*  
28 *A to Riverside County Ordinance No. 457, which may be amended from time*  
*to time. Appendix A to Riverside County Ordinance No. 457 establishes either*



1 *a fixed rate fee or deposit-based fee for each type of permit pursuant to this*  
2 *code.”*

3 L. Deposit-based Permit Fees. A new Section 109.2.1 is added to the California  
4 Building Code to read as follows:

5 “109.2.1 **Deposit-based permit fees.** The estimated permit fees to be  
6 collected as a deposit are established by Riverside County Ordinance No. 457  
7 and shown on Appendix A to Riverside County Ordinance No. 457.

8 Deposit-based fees collected in excess of the actual cost of providing the  
9 specific service shall be refunded. Permits whose work requires a cost to the  
10 Riverside County Building and Safety Department beyond the estimated fee  
11 collected as a deposit shall require an additional deposit for the Department  
12 to resume permit application plan review and permit inspection(s). Work on  
13 any deposit-based permit will cease when the deposit is depleted by 80% and  
14 will resume when additional deposits are received.

15 The County will make draws against deposited funds on biweekly intervals  
16 based on payroll accounting cycles and at the fully burdened hourly rates for  
17 each job classification required to provide a specified service. Hourly rates  
18 for services shall be established through the yearly budget process and  
19 adopted by the Riverside County Board of Supervisors as part of the County  
20 Budget public hearings. Subject to all County procedures and all legal  
21 requirements applicable to such contracts, the County may contract with  
22 outside consultants to provide any specified service whenever it is determined  
23 necessary to provide such service, and the County may thereafter draw against  
24 deposited funds in the amount of the actual costs of such contract services.

25 Deposits for permits will be collected upon submittal of the permit  
26 application. Deposits will be monitored and, when 80% depleted, an analysis  
27 of the project will be done to determine if the remaining portion of the deposit  
28 will cover expected completion costs for permit application plan review and  
permit inspection(s). If costs are expected to exceed the remaining deposit in

1 an amount of \$5.00 or more, additional deposits will be required to be  
2 submitted to recover the estimated full cost for complete permit application  
3 plan review and permit inspection(s). Additional deposits will be determined  
4 on a case by case basis based on the estimated cost to complete the permit  
5 application plan review and permit inspection(s).

6 A full accounting of each application will be made within 45 days of final  
7 inspection, expiration, or revocation of the permit of the application and  
8 provided to the applicant. Remaining deposits of \$5.00 or more will be  
9 refunded to the applicant.

10 When it is mutually agreed to by the applicant and the Riverside County  
11 Building and Safety Department to which a fee applies, any fee not designated  
12 a "Deposit-based Fee:" may be treated and accounted for as a deposit-based  
13 fee in the manner established in this Section. "

14 M. Appeal of Deposit-based Permit Fees. A new Section 109.2.1 is added to the  
15 California Building Code to read as follows:

16 "109.2.1 Appeal of Deposit-based Permit Fees. Within 10 calendar days of  
17 receipt of the full accounting of the application costs or request for additional  
18 deposits, the applicant may request a review of the matter by the Riverside  
19 County Transportation and Land Management Agency (TLMA) Director or  
20 the Riverside County Building and Safety Department building official, or  
21 his/her designee, who shall along with the responsible staff representative,  
22 review the cost of processing the application. The TLMA Director or building  
23 official may, in his or her sole discretion, determine that the costs were or  
24 were not appropriate and may then reduce the costs charged. The TLMA  
25 Director or building official shall, in writing, notify the appealing person of  
26 his or her decision within three working days.

27 Any responsible party aggrieved by the decision of the TLMA Director or  
28 building official may, within 10 calendar days after the date of mailing of the  
TLMA Director's or building official's decision, file a written appeal of the

1 decision with the Administrative Review Board. This appeal shall be filed  
2 with the TLMA Administration. The Administrative Review Board shall be  
3 composed of representatives of the TLMA, EDA, and two building industry  
4 representatives, one each from the western and eastern parts of the county. In  
5 addition, a fifth member of the board shall be selected by the previously  
6 mentioned representatives, based on the expertise needed on the board. The  
7 Administrative Review Board will convene within 10 working days of the  
8 filing of the appeal.

9 The Administrative Review Board will review the cost of processing the  
10 application, and shall consider all information relevant to the issue of costs  
11 that is provided, either orally or in written form, by the applicant and staff.  
12 The Administrative Review Board may determine that the costs were or were  
13 not appropriate and may then reduce the costs charged. The Administrative  
14 Review Board shall, in writing, notify the appealing person of its decision  
15 within three working days from the conclusion of its review.

16 Any responsible party aggrieved by the decision of the Administrative  
17 Review Board may, within 10 calendar days after the date of mailing of the  
18 Administrative Review Board's decision, file a written appeal of the decision  
19 with the Riverside County Board of Supervisors. The appeal shall be on the  
20 form(s) provided by the Clerk of the Riverside County Board of Supervisors  
21 and shall be accompanied by a filing fee of \$50.00. Upon receipt of the  
22 completed appeal, with filing fees, the Clerk of the Board shall set the matter  
23 for hearing before the Riverside County Board of Supervisors not less than  
24 10 nor more than 30 days thereafter and shall give written notice of the  
25 hearing to the applicant and the TLMA Director or building official. The  
26 Riverside County Board of Supervisors shall render its decision within 30  
27 days following the close of the hearing of the appeal.

28 Unless appealed, the decision of the TLMA Director or building official is  
final. If the decision of the TLMA Director or building official is appealed,

1 then the decision of the Administrative Review Board is final unless appealed.  
2 If the decision of the Administrative Review Board is appealed, then the  
3 decision of the Riverside County Board of Supervisors is final.

4 Work on any application may continue during any appeal process provided  
5 there are sufficient funds on deposit.”

6 N. Fees Related to Work Commencing Before Permit Issuance. Section 109.4  
7 of the California Building Code is amended to read as follows:

8 “109.4 Work commencing before permit issuance. Any person who  
9 commences any work on a building, structure, electrical, gas, mechanical or  
10 plumbing system before obtaining the necessary permits shall be subject to  
11 an hourly permit fee established by Appendix A of Riverside County  
12 Ordinance No. 457 for an investigation of such work. This hourly permit fee  
13 shall be in addition to the required permit fees.”

14 O. Refund of Fees. Section 109.6 of the California Building Code is amended  
15 to read as follows:

16 “109.6 Refunds. Refunds may be authorized by the building official for any  
17 of the following:

18 1. A permit or inspection fee which was erroneously paid or  
19 collected.

20 2. During the term of a fixed rate permit and when no work has  
21 been done under a permit in accordance with this code. In this  
22 circumstance, the building official may authorize the refunding of not  
23 more than 80% of the permit fee paid.

24 3. When property for which a permit for a project has been issued  
25 is annexed to a city and the County loses jurisdiction over the property  
26 prior to completion of the project. In this circumstance, the portion of  
27 any fees collected under any section of this code in excess of expenses  
28 of the building official may be refunded upon the recommendation of  
the building official and approval of the Riverside County Board of

Supervisors. The application for refund shall be made in the usual form of a claim against the County, and the action of the building official shall be stated thereon along with the amount approved for refund.

**Exception:** Any fee collected under any section of this code for the State of California shall not be refunded by the County of Riverside.”

P. Definitions. Section 202 of the California Building Code is amended to add or amend the following definitions:

**“AGRICULTURAL BUILDING.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. *This structure shall be open on two or more sides.*”

**“CONSTRUCTION WITHOUT PERMIT (CWP).** Any building, structure, grading, improvement, appliance or equipment that has been constructed, erected or placed on a property and would require a permit pursuant to the California Building Standards Code.”

**“POND.** A constructed or prefabricated artificial basin, chamber or tank not intended to be used as a pool or swimming pool.”

**“REGISTERED DESIGN PROFESSIONAL.** An individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed. *This individual shall have a current California license or registration as an architect or engineer.*”

**“SHED.** A building used only for storage and not a place of human habitation, place of employment, or place used by the public and not

1 exceeding 600 square feet in area. A shed shall not contain a door where a  
2 vehicle can pass through.”

3 Q. Ponds. New Sections 3112, 3112.1 and 3112.2 are added to the California  
4 Building Code to read as follows:

5 “SECTION 3112 PONDS”

6 “3112.1 General. Construction of ponds shall comply with all requirements  
7 of this code, including permits for grading, plumbing, electrical, and  
8 mechanical, when applicable.”

9 “3112.2 Definition. The following term is defined in Section 202:  
10 POND.”

11 R. Construction Safeguards. New Sections 3302.2.1, 3302.2.2, and 3302.2.3 are  
12 added the California Building Code to read as follows:

13 “3302.2.1 Waste Materials. Construction rubbish and debris that includes,  
14 but is not limited to, stub ends of cut lumber, broken lumber and other scrap  
15 wood, scrap cement and plaster, scrap metal, paper cartons, wrappings, and  
16 similar materials that result from the process of constructing a building or  
17 structure.”

18 “3302.2.2 Collections and Disposal. During the process of constructing a  
19 building or structure, the construction site and general area around the site  
20 shall be kept clear of waste materials that result from the construction  
21 activities. Waste materials shall not be allowed to accumulate on, or be blown  
22 from, the site and shall be placed in appropriate containers or removed from  
23 the construction site to an authorized disposal area. All containers for waste  
24 materials shall be emptied periodically at an authorized disposal area so they  
25 will remain usable for further collection of waste materials. When  
26 construction is complete, a final clean-up of waste materials from the site shall  
27 be conducted by the permittee.”

28 “3302.2.3 Inspections. A permit holder shall not be entitled to, and no  
inspector shall make an inspection of any phase of completed work, including



1 the final inspection, if the construction site or general area thereof contains an  
2 accumulation of rubbish and debris.”

3 Section 7. ADOPTION OF APPENDIX C, GROUP U – AGRICULTURAL  
4 BUILDINGS, OF THE 2016 CALIFORNIA BUILDING STANDARDS CODE. Appendix C, Group U –  
5 Agricultural Buildings, including any errata and supplements, of the 2016 California Building Code is  
6 adopted in its entirety, except as to the following:

7 A. Permit or Registration Certificate. A new Section C101.2 is added to  
8 Appendix C of the California Building Code to read as follows:

9 “C101.2 **Permit or Registration Certificate.** An agricultural building is  
10 subject to the permitting requirements of Section R105.

11 **Exception:** Whenever an agricultural building does not require a  
12 building permit pursuant to Section 105, a Registration Certificate  
13 shall be obtained from the building official prior to the  
14 commencement of any construction or work on an agricultural  
15 building.”

16 B. Definition. A new Section C101.3 is added to Appendix C of the California  
17 Building Code to read as follows:

18 “C101.3 **Definition.** The following term is defined in Chapter 2: Agricultural  
19 Building.”

20 C. Agricultural Building Registration Certificate. A new Section C101.4 is  
21 added to Appendix C of the California Building Code to read as follows:

22 “C101.4 **Agricultural Building Registration Certificate.** An application  
23 for an agricultural building registration certificate shall describe the location,  
24 nature, and estimated cost of construction of the agricultural building.”

25 D. Payment of Fees. A new Section C101.5 is added to Appendix C of the  
26 California Building Code to read as follows:

27 “C101.5 **Payment of Fees.** A permit or registration certificate for an  
28 agricultural building shall not be valid until the fees prescribed in Appendix  
A to Riverside County Ordinance No. 457 have been paid, nor shall an

1 amendment to a permit be released until the additional fee, if any, has been  
2 paid.”

3 Section 8. ADOPTION OF APPENDIX I, PATIO COVERS, OF THE 2016  
4 CALIFORNIA BUILDING STANDARDS CODE. Appendix I, Patio Covers, including any errata and  
5 supplements, of the California Building Code is adopted in its entirety.

6 Section 9. ADOPTION OF APPENDIX J, GRADING, OF THE 2016 CALIFORNIA  
7 BUILDING STANDARDS CODE. Appendix J, Grading, including any errata and supplements, of the  
8 2016 California Building Code is adopted in its entirety, except as to the following:

9 A. Scope. Section J101.1 of Appendix J of the California Building Code is  
10 amended to read as follows:

11 *“J101.1 Scope. The intent of this Appendix J is to safeguard life, limb,  
12 property, and public welfare by regulating the clearing, grubbing, grading,  
13 excavation, stockpiling, paving, exploratory excavations and earthwork  
14 construction, including fills and embankments; agricultural grading, storm  
15 water compliance, and control of runoff from graded sites, including erosion  
16 sediments and construction related pollutants on private property in the  
17 unincorporated area of the County of Riverside. The scope of this Appendix J  
18 does not include road work that is regulated by the Riverside County Director  
19 of Transportation through a Riverside County contract or Riverside County  
20 Ordinance Nos. 460, 461 and 499.”*

21 B. Purpose. A new Section J101.1.1 is added to Appendix J of the California  
22 Building Code to read as follows:

23 *“J101.1.1 Purpose. This Appendix sets forth requirements to control the  
24 clearing, grubbing, grading, excavation, stockpiling, paving, exploratory  
25 excavations and earthwork construction, including fills and embankments;  
26 agricultural grading, storm water compliance and control of runoff from  
27 graded sites, including erosion sediments and construction related pollutants  
28 on private property and establishes administrative requirements for approval*

1 of plans, issuance of permits and inspection of grading in compliance with the  
2 other provisions of this code.”

3 C. Alternative Methods of Construction. A new Section J101.1.2 is added to  
4 Appendix J of the California Building Code to read as follows:

5 “**J101.1.2 Alternative Methods of Construction**. The provisions of this  
6 Appendix J are not intended to prevent any method of construction not  
7 specifically prescribed by this code, provided that any such alternative has  
8 been approved by the building official. An alternative method of construction  
9 may be approved where the building official finds that the proposed method  
10 of construction provides equivalent flood protection or if the unique  
11 characteristics of a building site make the requirements unnecessary.”

12 D. Other Requirements. A new Section J101.1.3 is added to Appendix J of the  
13 California Building Code to read as follows:

14 “**J101.1.3 Other Requirements**. In addition to the requirements of this  
15 Appendix J, the building official may require intermittent grading inspections,  
16 additional storm water inspections, implementation of additional  
17 precautionary Best Management Practices (BMPs), permanent stabilization  
18 and other mitigation measures to provide site stabilization and protection of  
19 adjacent private property, public right of way, blue line streams and natural  
20 water courses.”

21 E. Grading Designation. New Sections J101.3, J101.3.1 and J101.3.2 are  
22 added to Appendix J of the California Building Code to read as follows:

23 “**J101.3 Grading Designation**. The designations for Regular Grading and  
24 Engineered Grading are described as follows.”

25 “**J.103.3.1 Regular Grading**. Grading is designated “Regular Grading” in  
26 any of the following circumstances:

- 27 1. Single Family Grading with earthwork quantities indicating grading  
28 up to 199 cubic yards.

2. Stockpile Permit with earthwork quantities indicating stockpiling up to 199 cubic yards.
3. Clearing and Grubbing with earthwork quantities indicating up to 199 cubic yards.”

“**J103.3.2 Engineered Grading.** Grading is designated “Engineered Grading” in any of the following circumstances:

1. Single Family Grading with earthwork quantities in excess of 200 cubic yards.
2. Stockpile with earthwork quantities in excess of 200 cubic yards.
3. Commercial / Industrial Grading.
4. Tract Grading, which includes the following:
  - a. Rough and Precise.
  - b. Rough Only.
  - c. Precise Only.”

F. Definitions. Section J102.1 of Appendix J of the California Building Code is amended to add the following definitions:

“**APPROVAL.** When the proposed work or completed work conforms to the requirements of this Appendix J, as determined by and to the satisfaction of the building official.”

“**BERM.** A mound of earth located at the top of fill slopes to prevent drainage flows over the slope face and to direct drainage towards an approved drainage swale or drainage device.”

“**BEST MANAGEMENT PRACTICE (BMP).** A storm water pollution mitigation measure that is required as part of the Storm Water Pollution Prevention Plan (SWPPP) in order to comply with the requirements of the NPDES permit issued to the County of Riverside.”

“**BORROW SITE.** Earth material acquired from an off-site location with an approved grading permit for use in grading on a site.”

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“**CERTIFY OR CERTIFICATION.** Shall refer to a signed written statement that the specific inspections and tests required have been performed and that such tests comply with the applicable requirements of this Appendix J.”

“**CLEARING.** The removal of natural vegetation by any means; including, but not limited to, brushing, grubbing, tilling and/or discing.”

“**EARTH MATERIAL.** Any rock, natural soil or fill or any combination thereof.”

“**EROSION CONTROL LANDSCAPING.** The installation of planting to provide effective erosion protection and stability of cut and fill slope faces and stability of disturbed areas.”

“**FARMED.** Has been subject to practices associated with the raising of crops or animals including but not limited to discing, plowing, tilling, seeding, cultivating, harvesting, pasturing and fallowing for the purpose of crop rotation.”

“**FARMING.** The performance of practices associated with the raising of crops or animals including but not limited to discing, plowing, tilling, seeding, cultivating, harvesting, pasturing and fallowing for crop rotation.”

“**FARM PLAN.** A proposed plan for a site where the natural ground surface has not been previously disturbed and will be agriculturally graded for commercial farming.”

“**GRUBBING.** The removal of the natural vegetation root system by any means; including but not limited to brushing, clearing, tilling and/or disking.”

“**IMPERVIOUS SURFACE.** An impermeable surface such as concrete or asphaltic type pavement, gravel, severely compacted soils incapable of being penetrated by water for the purposes increased runoff and water quality.”

“**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES).** The program developed to eliminate construction related pollutants from discharging into local and United States water ways.”

1 "NATURAL GROUND SURFACE. The ground surface in its original state  
2 before any clearing, grubbing, grading, excavation or filling."

3 "NATURAL WATER COURSE. Any flowing body of water (including an  
4 arroyo, canal, channel, conduit, creek, culvert, ditch, drain, gully, ravine,  
5 stream, wash, waterway or wetland), in which tributary drainage flows in a  
6 definite direction or course, either continuously, intermittently or seasonally."

7 "OPERATING FARM. An agricultural operation that has for at least two  
8 consecutive years done each of the following:

- 9 1. Owned or leased implements used to produce crops or animals and  
10 produced crops or animals for sale on any owned, managed or leased  
11 land whether the land is contiguous or non-contiguous; and  
12 2. Derived reportable sales of the crops or animals produced."

13 "POROUS OR PERVIOUS. Surfaces that admit the passage of runoff for  
14 the purpose of limiting increased run off and water quality."

15 "PRECISE GRADE FINAL. When the final grade or elevation of the site  
16 at the conclusion of all grading efforts; all drainage devices have been  
17 completed; final site stabilization and irrigation systems have been  
18 completed; inspections have been completed and approved; and all  
19 certifications and reports have been submitted and approved."

20 "RAINY SEASON. The National Pollutant Discharge Elimination System  
21 (NPDES) storm water season beginning on October 1 and ending on May 31  
22 wherein a higher potential for rain exists."

23 "ROUGH GRADE. The stage at which the grade approximately conforms  
24 to the approved plan including the installation of brow ditches, terrace and  
25 down drains and the installation of runoff velocity reducers."

26 "ROUGH GRADE FINAL. When all drainage devices have been  
27 completed, including the installation of brow ditches, terrace and down drains  
28 and the installation of runoff velocity reducers; final site stabilization has been



1 completed and approved; all inspections have been completed; and all  
2 certifications and reports have been submitted and approved.”

3 “SITE. A lot or parcel of land or contiguous combination thereof, under the  
4 same ownership, where grading is performed or permitted.”

5 “STOCKPILE. A supply of earth material placed on a site, for a temporary  
6 period of time not to exceed 12 months.”

7 “STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A  
8 site drawing with details, notes and related documents that identify proposed  
9 measures to control erosion and prevent sediment and construction-related  
10 pollutants from being carried offsite by storm water.”

11 “SURFACE DRAINAGE. Flows over the ground surface.”

12 “VERTICAL HEIGHT. The measurement from the toe of slope to a point  
13 projected horizontally from the top of the slope.”

14 G. Permits Required. Section J103.1 of Appendix J of the California Building  
15 Code is amended to read as follows:

16 “J103.1 Permits required. Except as exempted in Section J103.2, no person  
17 shall do any clearing, grubbing, grading, excavation, stockpiling, earthwork  
18 construction, including fills and embankments; widening or construction of  
19 private roads including placement of base or gravel; paving, re-paving of  
20 private roads and parking lots; exploratory excavations and precise grading  
21 without first having obtained approval and an appropriate permit from the  
22 building official pursuant to all of the permit requirements of this Appendix  
23 J. After issuance of a permit authorizing rough grading work, a precise  
24 grading permit authorizing precise grading work shall be obtained regardless  
25 of precise grading quantities of excavation or fill. Additionally, the Building  
26 Director may require a Best Management Practices (BMP) permit to conduct  
27 certain types of inspections; including but not limited to the following types  
28 of inspections: Pre-Construction Inspection, NPDES Construction  
inspections, Water Quality Management Plan (WQMP) BMP inspections,

1 Annual Water Quality Management Plan (WQMP) inspections, Bond Release  
2 inspections and Air Quality inspections.”

3 H. Exemptions From Permit Requirement. Section J103.2 of Appendix J of the  
4 California Building Code is amended to read as follows:

5 “**J103.2 Exemptions.** When approved by the building official, the following  
6 minor grading is exempt from the permit requirement of Section J103.1:

- 7 1. Road work that is being regulated by the Riverside County Director  
8 of Transportation by Riverside County contract or through Riverside  
9 County Ordinance Nos. 460, 461 and 499.
- 10 2. An excavation below finished grade for basements and footings of a  
11 building, retaining wall or other structure authorized by a valid  
12 building permit. This shall not exempt any fill made with the material  
13 from such excavating nor exempt any excavation having an  
14 unsupported height greater than 5 feet after the completion of such  
15 structure.
- 16 3. Cemetery Graves.
- 17 4. Refuse disposal sites controlled by other regulations.
- 18 5. Excavations for wells or tunnels or utilities.
- 19 6. Mining quarrying, processing, stockpiling of rock, sand, gravel,  
20 aggregate or clay regulated by Riverside County Ordinance No. 555  
21 provided such operations do not affect the lateral support or increase  
22 the stresses in or pressure upon any adjacent or contiguous property.
- 23 7. The construction or maintenance of roads or facilities for the  
24 generation, storage or transmission of water including floodwaters or  
25 electrical energy by public agencies or their agents.
- 26 8. The maintenance of existing private roads by private individuals or  
27 their agents, including private roads used exclusively in connection  
28 with an agricultural use, but not the construction, paving or placement  
of gravel or base or the widening of such roads.

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9. Fire protection within that area specified in any annual weed abatement notice or hazard reduction notice or such additional area as may be authorized or required, in writing, by the appropriate fire protection agency or as provided in Section 405 of Riverside County Ordinance No. 787.
  10. Uses incidental to an existing residence such as fencing, gardening, or landscaping, including but not limited to, the mowing, cutting and/or removal of dead underbrush, dead weeds, or dead grasses when the work does not violate Section J103.1 of this Appendix J.
  11. Site restoration work required pursuant to court order or otherwise authorized in writing by the County of Riverside or any state or federal agency.
  12. Exploratory excavations under the direction of soil engineers or engineering geologists. This exemption shall be restricted to those circumstances involving exploratory excavations of less than one thousand cubic yards in any one location less than one acre.
  13. An excavation which does not exceed 50 cubic yards on any one lot and which, (a) is less than 2 feet in depth, or (b) which does not create a cut slope greater than 5 feet in height and steeper than 1 ½ horizontal to 1 vertical. This exemption shall not apply when finish grading is proposed, subsequent to a permit authorizing rough grading.
  14. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course. This exemption shall not apply when finish grading is proposed, subsequent to a permit authorizing rough grading.
  15. Agricultural discing on an operating farm.

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16. The raising of crops or animals exclusively for commercial agricultural purposes (hereinafter referred to as "agricultural grading or clearing") when all excavated material remains on-site and the agricultural grading or clearing occurs on either of the following:

- a. Land that has been farmed within the preceding five years; or
- b. Land that is used exclusively to raise crops or animals within one year of the grading or clearing.

Any person claiming the benefit of this exemption under subdivision b) shall file, under penalty of perjury, a completed Agricultural Grading/Clearing Certificate ("Certificate") with the building official prior to commencing the agricultural grading or clearing. The Certificate shall be accompanied by the appropriate processing fee as well as an approved erosion control plan from the United States Department of Agriculture Nature Resource Conservation Service or licensed soil engineer where any grading or clearing performed under the exemption involves a slope angle of 10% or greater. The filing of a Certificate shall not be construed to authorize the commencement or continuance of any activity prohibited by this Appendix J, any other Riverside County ordinance, or any state or federal law or regulation.

Any person who files a Certificate shall file, under penalty of perjury, a completed Agricultural Grading/Clearing Verification ("Verification") within one year of filing of said Certificate. The Verification shall be accompanied, where an approved erosion control plan has been previously required to be submitted, by a written confirmation from the United States Department of Agriculture Natural Resource Conservation Service or licensed soil engineer that all work required in the

1 approved erosion control plan has been performed. Site  
2 restoration pursuant to this Appendix J and Riverside County  
3 Board of Supervisors Policy F-6 shall, in all instances, be  
4 required if a person fails to file a Certificate prior to grading,  
5 subsequently fails to file a verification or fails to comply with  
6 erosion control plan requirements as stated herein.

7 This exemption shall be restricted to only those areas disturbed  
8 by actual farming and shall not apply to the grading or clearing  
9 associated with the construction of any building or structure  
10 itself and shall not apply to any grading or clearing for any  
11 activity that requires a land use permit. Furthermore, any  
12 grading or clearing performed under this exemption shall not  
13 be construed to have been evaluated for compliance with the  
14 grading or building requirements of this Appendix J or any of  
15 the applicable Parts of the California Building Standards Code.  
16 Any "Agricultural Grading and Clearing Registration"  
17 approved before October 28, 2010 in accordance with the  
18 former provisions of this section shall be governed by the  
19 following provisions: "The Agricultural Grading and Clearing  
20 Registration" shall remain valid unless the farming plan which  
21 served as the basis for this exception has not shown substantial  
22 progress towards implementation within two years of the date  
23 the exception was approved or, if at any time during the  
24 agricultural grading or clearing, the approved erosion control  
25 plan is not being implemented. A one time, one year extension  
26 may be granted by the building official if the registrant can  
27 provide reasonable cause why the farming plan could not be  
28 implemented within the first two years. A grading permit shall

1 be required for farming plans not implemented within the time  
2 allowed.

3 If at any time the building official determines that the planned  
4 or actual grading or clearing is not for agricultural purposes, a  
5 grading permit shall be required. Any person or entity  
6 aggrieved by the decision of the building official to require a  
7 grading permit may file a written appeal of the decision with  
8 Appeals Board as set forth in this code.

9 Exemption from the permit requirements of this Appendix J shall not  
10 be deemed to grant authorization for any work to be done in any  
11 manner in violation of the provisions of this code or any other laws or  
12 Riverside County ordinances.

13 I. Unpermitted Grading. New Sections J103.3, J103.3.1, J103.3.2, and J103.3.3  
14 are added to Appendix J of the California Building Code to read as follows:

15 **“SECTION J103.3 UNPERMITTED GRADING”**

16 **“J103.3.1 Unpermitted Grading.** A person shall not own, use, occupy or  
17 maintain any site containing unpermitted grading. For the purposes of this  
18 Appendix J, unpermitted grading shall be defined as any grading performed,  
19 at any point in time, without first having obtained a permit from the building  
20 official, pursuant to Section J103.1.”

21 **“J103.3.2 Penalty.** In addition to any other remedy provided by law, any  
22 grading or clearing done in violation of this Appendix J may be grounds for  
23 denying for five years all applications for building permits, use permits, sub-  
24 divisions, changes of zones, specific plans, specific plan amendments, general  
25 plan amendments, and any other land development application proposed for  
26 the property in which the violation occurred. Grading permits shall not be  
27 subject to the penalty established by this section. The five year period shall  
28 commence from the date the violation is documented by the Riverside County  
Department of Building and Safety through a notice of violation or any other



1 means. The Riverside County Board of Supervisors may waive this penalty  
2 for good cause as may be demonstrated by the property owner. The  
3 procedures, remedies and penalties for violations of this Appendix J and for  
4 recovery of costs related to enforcement are provided in Riverside County  
5 Ordinance No. 725.”

6 **“J103.3.3 Restoration of Unpermitted Grading.** Unpermitted Grading  
7 shall be restored according to the requirements of Section J112, Restoration  
8 of Unpermitted Grading.”

9 J. Special Permits. New Section J103.4 is added to Appendix J of the California  
10 Building Code to read as follows:

11 **“SECTION J103.4 SPECIAL PERMITS”**

12 **“J103.4.1 General.** Stockpiles, restoration of unpermitted grading, and  
13 parking lots require special permits pursuant to this Appendix J. Refer to  
14 Section J112 for Restoration of Unpermitted Grading. Refer to Section J113  
15 for Stockpiles. Refer to Section J115 for Parking Lots.”

16 K. CEQA Compliance. A new Section J104.5 is added to Appendix J of the  
17 California Building Code to read as follows:

18 **“J104.5 CEQA Compliance.** All grading permits shall comply with the  
19 California Environmental Quality Act (CEQA) of 1970, including any  
20 applicable amendments, and Riverside County CEQA Implementing  
21 Procedures, including any applicable amendments.”

22 L. Fees. New Sections J104.6, J104.6.1, J104.6.2 are added to Appendix J of  
23 the California Building Code to read as follows:

24 **“J104.6 Fees.”**

25 **“J104.6.1 Payment of fees.** A grading permit shall not be valid until the fees  
26 prescribed by law have been paid, nor shall an amendment to a permit be  
27 released until the additional fee, if any, has been paid.”

1 "J104.6.2 Schedule of permit fees. A fee for all types of grading permits  
2 shall be paid as required, in accordance with the schedule established in  
3 Appendix A to Riverside County Ordinance No. 457."

4 M. Setbacks - General. Section J108.1 of Appendix J of the California Building  
5 Code is amended to read as follows:

6 "J108.1 General. Cut and fill slopes shall be set back from the property lines  
7 in accordance with this section. Setback dimensions shall be horizontal  
8 distances measured perpendicular to the property line and shall be as shown  
9 in Figure J108.1 of this Appendix J, unless substantiating data is submitted  
10 justifying reduced setbacks and reduced setbacks are recommended in the  
11 soils engineering and engineering geology report approved by the building  
12 official."

13 N. Setbacks - Top of Slope. Section J108.2 of Appendix J of the California  
14 Building Code is amended to read as follows:

15 "J108.2 Top of Slope. The setback at the top of a cut slope shall not be less  
16 than that shown in Figure J108.1 of this Appendix J, or than is required to  
17 accommodate any required interceptor drains, whichever is greater. For  
18 graded slopes within the site boundaries of the approved plan, the property  
19 line between adjacent lots shall be at the apex of the berm at the top of the  
20 slope. Additional setbacks may be required if the building official finds it  
21 necessary for stability, safety, increased drainage runoff, irrigation runoff or  
22 to ensure proper maintenance along property line."

23 O. Setbacks - Toe of Fill Slope. Section J108.2.1 is added to Appendix J of the  
24 California Building Code to read as follows:

25 "J108.2.1 Toe of Fill Slope. The setback from the toe of a fill slope shall not  
26 be less than that shown in Figure J108.1 of this Appendix J. Additional  
27 setbacks may be required if the building official finds it necessary for  
28 stability, safety, increased drainage runoff, irrigation runoff or to ensure  
proper maintenance along property line."

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P. Erosion Control. Section J110.1 of Appendix J of the California Building Code is amended to read as follows:

“**J110.1 General**. The faces of cut and fill slopes shall be prepared and maintained to control erosion *and to provide permanent stability*. This control shall be permitted to consist of effective planting or *other means of stabilization that are approved by the building official*.”

**Exception:** Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials. Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.”

Q. Restoration of Unpermitted Grading. New Sections J112, J112.1, J112.2, and J112.3 are added to Appendix J of the California Building Code to read as follows:

“**SECTION J112. RESTORATION OF UNPERMITTED GRADING**”

“**J112.1 Requirements**. A Restoration Assessment Permit shall be obtained in compliance with Riverside County Board of Supervisor’s Policy F-6 when either:

1. The building official determines such a permit is necessary due to grading or clearing in excess of an approved permit or without an approved permit in violation of the requirements of Section J103 of this Appendix J.
2. The owner or owner’s authorized agent of the property has received a notice of violation related to grading or clearing in excess of an approved permit or without an approved permit in violation of the requirements of Section J103 of this Appendix J.

Site restorations shall be completed in accordance with Section J112 of this Appendix J. The building official may require that the site be restored to the condition it was in previous to the unlawful grading or clearing.”

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**“J112.2 Restoration Assessment Permit.** A Restoration Assessment Permit shall be required for restoration of unpermitted grading in accordance with the following:

1. **Grading Restoration Assessment Permit Application.** Complete an “Application to Construct” and file for an hourly (BHR) grading Restoration Assessment Permit number.
2. **Site Assessment.** Obtain a site assessment from the Riverside County Planning Department Environmental Programs Division (EPD) and the Riverside County Building and Safety Department.
3. **Restoration Plan.** Submittal of a Biological Restoration Plan and/or Earthwork Restoration Plan may be required by the building official.
  - a. **Biological Restoration Plan.** A Biological Restoration Plan for grading shall be prepared by a qualified biologist shall be submitted to the Riverside County Environmental Programs Division (EPD) for review and approval.
  - b. **Earthwork Restoration Plan.** An Earthwork Restoration Plan for grading shall be prepared by a qualified California licensed civil engineer shall be submitted to the Riverside County Building and Safety Department for review and approval.
4. **Biological Restoration Improvement Security.** A site restoration improvement security shall be completed in accordance with Section J103.4.8 of this Appendix J.
5. **Site Restoration Improvement Security.** A site restoration improvement security shall be completed in accordance with Section J103.4.8 of this Appendix J.”

**“J112.3 Payment of Fees.** A Restoration Assessment Permit shall not be valid until the fees prescribed in Appendix A to Riverside County Ordinance No. 457 have been paid, nor shall an amendment to a permit be released until

1 the additional fee, if any, has been paid. Restoration Assessment Permit fees  
2 for Single Family Lot and Multiple and Commercial Lot are collected on a  
3 deposit fee basis as set forth in Appendix A to Riverside County Ordinance  
4 No. 457.”

5 R. Stockpiles. New Sections J113, J113.1, J113.2, J113.3, J113.4 are added to  
6 Appendix J of the California Building Code to read as follows:

7 **“SECTION J113 STOCKPILES.”**

8 **“J113.1 Definition.** A stockpile is a supply of earth material placed on a site,  
9 for a temporary period of time not to exceed 12 months.”

10 **“J113.2 Requirements.** The requirements for stockpiles are as follows:

- 11 1. A stockpile shall require a Stockpile Registration Permit and payment  
12 of a fee in accordance with the provisions of Section J113 of this  
13 Appendix J.
- 14 2. A stockpile shall be authorized in conjunction with an approved  
15 construction project or as approved by the building official.
- 16 2. A stockpile shall not obstruct or divert natural drainage, water courses  
17 or blue line streams.
- 18 3. A stockpile shall be carefully maintained and under no circumstances  
19 cause an adverse effect to adjacent properties.
- 20 4. Erosion and dust control measures shall be implemented pursuant to  
21 Sections J110 & J116 of this Appendix J, and fencing may be required  
22 as determined by the building official. Permanent BMPs shall be  
23 implemented when stockpiling for greater than six months.
- 24 5. The borrow site shall be permitted pursuant to the provisions of this  
25 Appendix J and the quantity of excavated earth material may not  
26 exceed the authorized quantity for either site.”

27 **“J113.3 Stockpile Registration Permit.** A Stockpile Registration Permit  
28 shall be required for a stockpile in accordance with the requirements of this  
Appendix J and the following:

1. A stockpile shall not be authorized until such time as a stockpiling registration is submitted to and approved by the building official.
2. A stockpiling registration shall expire 12 months from the date of issuance. Upon expiration, the stockpile shall be removed pursuant to a grading permit authorizing such removal unless a new stockpiling registration is submitted to and approved by the building official.
3. A stockpiling registration may be approved by the building official up to an additional three times for the same site.
4. If stockpiling remains for greater than six months permanent Best Management Practices (BMPs) shall be installed. Temporary BMPs will not be acceptable for stockpiling greater than six months."

"**J113.4 Payment of Fees.** A Stockpile Registration Permit shall not be valid until the fees prescribed in Appendix A to Riverside County Ordinance No. 457 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. Stockpile Registration Permit fees are collected on a deposit fee basis as set forth in Appendix A to Riverside County Ordinance No. 457."

S. Parking Lots. New Sections J114, J114.1, J114.2, J114.3, J114.4 are added to Appendix J of the California Building Code as follows:

**"SECTION J115 PARKING LOTS"**

**"J114.1 Requirements.** The requirements for grading parking lots are as follows:

1. Minimum parking lot grade for asphalt concrete shall be 1%.
2. Minimum parking lot grade for concrete shall be 0.35%.
3. Minimum parking lot grade for alternative pavements such as porous or pervious pavements shall be in accordance with the manufactures specifications for drainage and/or approved Water Quality Management Plan.



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4. If no preliminary soils report is provided specifying the paving section, the structural section shall be 3 inches asphalt concrete and 4 inches Class II aggregate base.

5. In instances where the grading plan involves the use of porous or pervious pavements as an alternative to asphalt and concrete surfaces, the manufactures specifications shall be provided for review and approval.”

“J114.2 Permits. A permit to grade a parking lot shall be obtained in accordance with this Appendix J.”

“J114.3 Payment of Fees. A permit to grade a parking lot shall not be valid until the fees prescribed in Appendix A to Riverside County Ordinance No. 457 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. The fees related to parking lots are as set forth in Appendix A to Riverside County Ordinance No. 457.”

“J114.4 Inspections. Inspections shall be performed in accordance with Section J105 of this Appendix J.”

T. Dust Control. New Sections J115 and J115.1 are added to Appendix J of the California Building Code as follows:

“SECTION J115 DUST CONTROL”

“J115.1 General. The sites for which a valid grading permit has been issued shall have necessary dust control measures to control dust during grading operations and throughout all aspects of the site development. All clearing and grading shall be carried out with dust control measures adequate to prevent creation of a nuisance to persons or public or private property. The following measures shall be implemented during clearing or grading to achieve adequate dust control: watering, application of surfactants, shrouding, control of vehicle speeds or other measures to reduce the dispersion of dust. Sites located within the Coachella Valley shall implement PM10 Fugitive

1 Dust Mitigation measures in accordance with Riverside County Ordinance  
2 No. 742.”

3 Section 10. ADOPTION OF THE 2016 CALIFORNIA RESIDENTIAL CODE AS  
4 AMENDED HEREIN. The 2016 California Residential Code, including any errata and supplements, is  
5 adopted in its entirety except as to the following:

6 A. Duties and Powers of the Building Official. Section R104.1 of the California  
7 Residential Code is reiterated as follows:

8 “**R104.1 Duties and Powers of the Building Official.** The building official  
9 is hereby authorized and directed to enforce the provisions of this code. The  
10 building official shall have the authority to render interpretations of this code  
11 and to adopt policies and procedures in order to clarify the application of its  
12 provisions. Such interpretations, policies and procedures shall be in  
13 compliance with the intent and purpose of this code. Such policies and  
14 procedures shall not have the effect of waiving requirements specifically  
15 provided for in this code.”

16 B. Alternative Materials, Design and Methods of Construction and Equipment.

17 Section R104.11 of the California Building Code is amended as follows:

18 “**R104.11 Alternative materials, design and methods of construction and**  
19 **equipment.** The provisions of this code are not intended to prevent the  
20 installation of any material or to prohibit any design or method of construction  
21 not specifically prescribed by this code, provided that any such alternative has  
22 been approved by the building official. An alternative material, design or  
23 method of construction shall be approved where the building official finds  
24 that the proposed design is satisfactory and complies with the intent of the  
25 provisions of this code, and that the material, method or work offered is, for  
26 the purpose intended, not less than the equivalent of that prescribed in this  
27 code in quality, strength, effectiveness, fire resistance, durability and safety.  
28 *An alternative material, design or method of construction shall also be  
approved where the building official finds that the proposed method of*

1 construction provides equivalent flood protection or if the unique  
2 characteristics of a building site make the requirements unnecessary. The  
3 building official may require plans for an alternative material, design or  
4 method of construction which are prepared by a California licensed architect  
5 or California licensed civil engineer. Where the alternative material design or  
6 method of construction is not approved, the building official shall respond in  
7 writing, stating the reasons why the alternative was not approved.”

8 C. Required Permits. Section R105.1 of the California Residential Code is  
9 reiterated as follows:

10 “**R105.1 Required.** Any owner or owner’s authorized agent who intends to  
11 construct, enlarge, alter, repair, move, demolish or change the occupancy of  
12 a building or structure, or to erect, install, enlarge, alter, repair, remove,  
13 convert or replace any electrical, gas, mechanical or plumbing system, the  
14 installation of which is regulated by this code, or to cause any such work to  
15 be performed, shall first make application to the building official and obtain  
16 the required permit.”

17 D. Construction Without Permit. A new Section R105.1.1 is added to Section  
18 R105.1 of the California Residential Code to read as follows:

19 “**R105.1.1 Construction Without Permit.** To remedy any construction  
20 without permit, as defined in Section 202 of this code, any owner or owner’s  
21 authorized agent applicant shall comply with the provisions of the applicable  
22 Part of the California Building Standards Code, Riverside County ordinances,  
23 and Riverside County Building and Safety Department policies and  
24 procedures in effect at the time of the building plan submittal to obtain the  
25 required permit(s). The building official may determine whether non-  
26 deconstruction testing or deconstruction testing will be required to verify  
27 whether the construction without permit complies with the applicable Part of  
28 the California Building Standards Code, Riverside County ordinances, and  
Riverside County Building and Safety Department policies and procedures.”

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E. Time Limitation of Permit Application. Section R105.3.2 of the California Residential Code is reiterated follows:

“**R105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

F. Permit Expiration. Section R105.5 of the California Residential Code is amended to read as follows:

“**R105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within *12 months* after its *issuance and an approved building inspection has not been obtained within 12 months from the date of issuance of the permit*, or if the work authorized on the site by such permit is suspended or abandoned for a period of *12 months* after the time the work is commenced. *A permit shall be deemed suspended or abandoned if more than 12 months elapses prior to filing a request for extension of time on the permit with the building official.* The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated, *including documentation of the substantial completion of a required inspection pursuant to Section R109. When a permit expires under this section, no building or work shall be done unless the owner or owner’s authorized agent obtains a new permit.*”

G. Recommencement of Work After Expiration, Suspension or Revocation of Permit. A new Section R105.10 is added to the California Residential Code to read as follows:

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**“R105.10 Recommencement of Work After Expiration, Suspension or Revocation.** After expiration, suspension or revocation of a permit, any owner or owner’s authorized agent must obtain the required new permit prior to recommencing work. The permit fee shall be determined by using the approved fix-rate fee or deposit-based fee for the activity permitted. If there has been a major code change between the expired, suspended or revoked permit date and the request for a new permit for the same work, fees will be charged for the time necessary to verify compliance with the new building codes that have been adopted since the initial permit was issued. A major code change includes revisions, errata, or supplements issued by the California Building and Standards Commission to any Part of the California Building Standards Code.”

H. Submittal Documents – General. Section R106.1 of the California Residential Code is amended to read as follows:

**“R106.1 General.** Submittal documents consisting of construction documents, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed *and the documents shall bear the stamp and signature of the registered design professional.* Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional *and the documents shall bear the stamp and signature of the registered design professional.*

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature or the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.”

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I. Exemption to Submittal Documents Prepared by a Registered Design Professional. A new Section R106.1.5 is added to the California Residential Code to read as follows:

**“R106.1.5 Exemption to submittal documents prepared by a registered design professional.** As set forth in Business and Professions Code Sections 5537 and 6737.1, a person other than a registered design professional as defined in this code may prepare construction documents for the following:

1. Single-family dwellings of woodframe construction not more than two stories and basement in height.
2. Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
3. Garages or other structures appurtenant to buildings described under subdivision (a), of woodframe construction not more than two stories and basement in height.
4. Agricultural and ranch buildings of woodframe construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.

If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the California Code of Regulations or tables of limitation for woodframe construction, as defined by the applicable Part of the California Building Standards Code duly adopted by the County of Riverside or the state, the building official shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the responsible



1 control of, a California licensed architect or California licensed engineer. The  
2 documents for that portion shall bear the stamp and signature of the licensee  
3 who is responsible for their preparation. Substantial compliance for purposes  
4 of this section is not intended to restrict the ability of the building officials to  
5 approve plans pursuant to existing law and is only intended to clarify the  
6 intent of Chapter 405 of the Statutes of 1985.

7 **Exception:** At no time may a contractor or person other than a  
8 registered design professional prepare construction documents for  
9 design for others.”

10 J. Earthquake Fault Zones. A new Section R106.1.6 is added to the California  
11 Building Code to read as follows:

12 “**R106.1.6 Earthquake Fault Zones.** In addition to the requirements of this  
13 code, all applicants for a building permit for a building or structure used for  
14 human occupancy that lies within an earthquake fault zone delineated by the  
15 State Geologist pursuant to Public Resources Code Section 2621 et seq. and  
16 which is subject to Riverside County Ordinance No. 547, shall comply with  
17 all the provisions thereof.”

18 K. Schedule of Permit Fees. Section R108.2 of the California Residential Code  
19 is amended to read as follows:

20 “**R108.2 Schedule of permit fees.** On buildings, structures, electrical, gas,  
21 mechanical, and plumbing systems or alterations requiring a permit, a fee for  
22 each permit shall be paid as required, in accordance with the schedule as  
23 established by *Riverside County Ordinance No. 457 and shown on Appendix*  
24 *A to Riverside Ordinance No. 457, which may be amended from time to time.*  
25 *Appendix A to Riverside Ordinance No. 457 establishes either a fixed rate fee*  
26 *or deposit-based fee for each type of permit pursuant to this code.”*

27 L. Deposit-based Permit Fees. A new Section R108.2.1 is added to the  
28 California Residential Code to read as follows:

1 "R108.2.1 Deposit-based permit fees. The estimated permit fees to be  
2 collected as a deposit are established by Riverside County Ordinance No. 457  
3 and shown on Appendix A to Riverside County Ordinance No. 457.

4 Deposit-based fees collected in excess of the actual cost of providing the  
5 specific service shall be refunded. Permits whose work requires a cost to the  
6 Riverside County Building and Safety Department beyond the estimated fee  
7 collected as a deposit shall require an additional deposit for the Department  
8 to resume permit application plan review and permit inspection(s). Work on  
9 any deposit-based permit will cease when the deposit is depleted by 80% and  
10 will resume when additional deposits are received.

11 The County will make draws against deposited funds on biweekly intervals  
12 based on payroll accounting cycles and at the fully burdened hourly rates for  
13 each job classification required to provide a specified service. Hourly rates  
14 for services shall be established through the yearly budget process and  
15 adopted by the Riverside County Board of Supervisors as part of the County  
16 Budget public hearings. Subject to all County procedures and all legal  
17 requirements applicable to such contracts, the County may contract with  
18 outside consultants to provide any specified service whenever it is determined  
19 necessary to provide such service, and the County may thereafter draw against  
20 deposited funds in the amount of the actual costs of such contract services.

21 Deposits for permits will be collected upon submittal of the permit  
22 application. Deposits will be monitored and, when 80% depleted, an analysis  
23 of the project will be done to determine if the remaining portion of the deposit  
24 will cover expected completion costs for permit application plan review and  
25 permit inspection(s). If costs are expected to exceed the remaining deposit in  
26 an amount of \$5.00 or more, additional deposits will be required to be  
27 submitted to recover the estimated full cost for complete permit application  
28 plan review and permit inspection(s). Additional deposits will be determined

1 on a case by case basis based on the estimated cost to complete the permit  
2 application plan review and permit inspection(s).

3 A full accounting of each application will be made within 45 days of final  
4 inspection, expiration, or revocation of the permit of the application and  
5 provided to the applicant. Remaining deposits of \$5.00 or more will be  
6 refunded to the applicant.

7 When it is mutually agreed to by the applicant and the Riverside County  
8 Building and Safety Department to which a fee applies, any fee not designated  
9 a "Deposit-based Fee:" may be treated and accounted for as a deposit-based  
10 fee in the manner established in this Section "

11 M. Appeal of Deposit-based Permit Fees. A new Section R108.2.2 is added to  
12 the California Residential Code to read as follows:

13 **"R108.2.2 Appeal of Deposit-based Permit Fees.** Within 10 calendar days  
14 of receipt of the full accounting of the application costs or request for  
15 additional deposits, the applicant may request a review of the matter by the  
16 Riverside County Transportation and Land Management Agency (TLMA)  
17 Director or the Riverside County Building and Safety Department building  
18 official, or his/her designee, who shall along with the responsible staff  
19 representative, review the cost of processing the application. The TLMA  
20 Director or building official may, in his or her sole discretion, determine that  
21 the costs were or were not appropriate and may then reduce the costs charged.  
22 The TLMA Director or building official shall, in writing, notify the appealing  
23 person of his or her decision within three working days.

24 Any responsible party aggrieved by the decision of the TLMA Director or  
25 building official may, within 10 calendar days after the date of mailing of the  
26 TLMA Director's or building official's decision, file a written appeal of the  
27 decision with the Administrative Review Board. This appeal shall be filed  
28 with the TLMA Administration. The Administrative Review Board shall be  
composed of representatives of the TLMA, EDA, and two building industry

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representatives, one each from the western and eastern parts of the county. In addition, a fifth member of the board shall be selected by the previously mentioned representatives, based on the expertise needed on the board. The Administrative Review Board will convene within 10 working days of the filing of the appeal.

The Administrative Review Board will review the cost of processing the application, and shall consider all information relevant to the issue of costs that is provided, either orally or in written form, by the applicant and staff. The Administrative Review Board may determine that the costs were or were not appropriate and may then reduce the costs charged. The Administrative Review Board shall, in writing, notify the appealing person of its decision within three working days from the conclusion of its review.

Any responsible party aggrieved by the decision of the Administrative Review Board may, within 10 calendar days after the date of mailing of the Administrative Review Board's decision, file a written appeal of the decision with the Riverside County Board of Supervisors. The appeal shall be on the form(s) provided by the Clerk of the Riverside County Board of Supervisors and shall be accompanied by a filing fee of \$50.00. Upon receipt of the completed appeal, with filing fees, the Clerk of the Board shall set the matter for hearing before the Riverside County Board of Supervisors not less than 10 nor more than 30 days thereafter and shall give written notice of the hearing to the applicant and the TLMA Director or building official. The Riverside County Board of Supervisors shall render its decision within 30 days following the close of the hearing of the appeal.

Unless appealed, the decision of the TLMA Director or building official is final. If the decision of the TLMA Director or department head is appealed, then the decision of the Administrative Review Board is final unless appealed. If the decision of the Administrative Review Board is appealed, then the decision of the Riverside County Board of Supervisors is final.

1 Work on any application may continue during any appeal process provided  
2 there are sufficient funds on deposit.”

3 N. Refund of Fees. Section R108.5 of the California Building Code is amended  
4 to read as follows:

5 “**R108.5 Refunds.** Refunds may be authorized by the building official for  
6 any of the following:

7 1. A permit or inspection fee which was erroneously paid or  
8 collected.

9 2. During the term of a fixed rate permit and when no work has  
10 been done under a permit in accordance with this code. In this  
11 circumstance, the building official may authorize the refunding of not  
12 more than 80% of the permit fee paid.

13 3. When property for which a permit for a project has been issued  
14 is annexed to a city and the County loses jurisdiction over the property  
15 prior to completion of the project. In this circumstance, the portion of  
16 any fees collected under any section of this code in excess of expenses  
17 of the building official may be refunded upon the recommendation of  
18 the building official and approval of the Riverside County Board of  
19 Supervisors. The application for refund shall be made in the usual  
20 form of a claim against the County, and the action of the building  
21 official shall be stated thereon along with the amount approved for  
22 refund.

23 **Exception:** Any fee collected under any section of this code  
24 for the State of California shall not be refunded by the County  
25 of Riverside.”

26 O. Fees Related to Work Commencing Before Permit Issuance. Section R108.6  
27 of the California Residential Code is amended to read as follows:

28 “**R108.6 Work commencing before permit issuance.** Any person who  
commences any work on a building, structure, electrical, gas, mechanical or

1 plumbing system before obtaining the necessary permits shall be subject to  
2 *an hourly permit fee established by Appendix A of Riverside County*  
3 *Ordinance No. 457 for an investigation of such work. This hourly permit fee*  
4 *shall be in addition to the required permit fees."*

5 H. Definitions. Section R202 of the California Residential Code is amended to  
6 add the following definitions:

7 "AGRICULTURAL BUILDING. A structure designed and constructed to  
8 house farm implements, hay, grain, poultry, livestock or other horticultural  
9 products. This structure shall not be a place of human habitation or a place of  
10 employment where agricultural products are processed, treated or packaged,  
11 nor shall it be a place used by the public. *This structure shall be open on two*  
12 *or more sides."*

13 "CONSTRUCTION WITHOUT PERMIT (CWP). Any building,  
14 structure, grading, improvement, appliance or equipment that has been  
15 constructed, erected or placed on a property and would require a permit  
16 pursuant to the California Building Standards Code."

17 "POND. A constructed or prefabricated artificial basin, chamber or tank not  
18 intended to be used as a pool or swimming pool."

19 "REGISTERED DESIGN PROFESSIONAL. An individual who is  
20 registered or licensed to practice their respective design profession as defined  
21 by the statutory requirements of the professional registration laws of the state  
22 or jurisdiction in which the project is to be constructed. *This individual shall*  
23 *have a current California license as an architect or engineer."*

24 "SHED. A building used only for storage and not a place of human  
25 habitation, place of employment, or place used by the public and not  
26 exceeding 600 square feet in area. A shed shall not contain a door where a  
27 vehicle can pass through."

28 J. Ponds. New Sections R341, R341.1, and R341.2 are added to the California  
Building Code to read as follows:



1 "SECTION R341 PONDS"

2 "341.1 General. Construction of ponds shall comply with all requirements  
3 of this code, including permits for grading, plumbing, electrical, and  
4 mechanical, when applicable."

5 "341.2 Definition. The following term is defined in Chapter 2:  
6 POND."

7 Section 11. ADOPTION OF APPENDIX H – PATIO COVERS OF THE 2016  
8 CALIFORNIA RESIDENTIAL CODE. Appendix H – Patio Covers of the California Residential Code is  
9 adopted in its entirety.

10 Section 12. ADOPTION OF THE 2016 CALIFORNIA ELECTRICAL CODE. The 2016  
11 California Electrical Code, including any errata and supplements, is adopted in its entirety.

12 Section 13. ADOPTION OF THE 2016 CALIFORNIA ADMINISTRATIVE CODE.  
13 The 2016 California Administrative Code, including any errata and supplements, is adopted in its entirety.

14 Section 14. ADOPTION OF THE 2016 CALIFORNIA MECHANICAL CODE. The  
15 2016 California Mechanical Code, including any errata and supplements, is adopted in its entirety.

16 Section 15. ADOPTION OF THE 2016 CALIFORNIA PLUMBING CODE. The 2016  
17 California Plumbing Code, including any errata and supplements, is adopted in its entirety.

18 Section 16. ADOPTION OF THE 2016 CALIFORNIA ENERGY CODE. The 2016  
19 California Energy Code, including any errata and supplements, is adopted in its entirety.

20 Section 17. ADOPTION OF THE 2016 CALIFORNIA HISTORIC BUILDING CODE.  
21 The 2016 California Historic Building Code, including any errata and supplements, is adopted in its entirety.

22 Section 18. ADOPTION OF THE 2016 CALIFORNIA GREEN BUILDING  
23 STANDARDS CODE. The 2016 California Green Building Standards Code, including any errata and  
24 supplements, is adopted in its entirety.

25 Section 19. IMPLEMENTATION OF THE STATE HOUSING LAW. The County of  
26 Riverside implements the State Housing Law, California Health and Safety Code, Division 13, Part 1.5,  
27 commencing with Section 17910 and California Code of Regulations, Title 25, Division 1, Chapter 1,  
28 Subchapter 1, providing the laws, rules, and regulations for the erection, construction, reconstruction,  
movement, enlargement, conversion, alteration, repair, removal, demolition or arrangement of apartments,

1 condominiums, hotels, motels, lodging houses and dwellings, including accessory buildings, facilities and  
2 uses thereto as follows:

3 A. Public Nuisance Declared. Every substandard building or portion thereof as  
4 defined in sections 17920.3 or 17920.10 of the California Health and Safety  
5 Code located within the unincorporated areas of the County of Riverside  
6 which is caused, maintained or permitted to exist shall be and the same is  
7 hereby declared unlawful and a public nuisance that may be abated consistent  
8 with the procedures in this Section.

9 B. Authority to Inspect. The County is authorized to enter any real or personal  
10 property or premises within the unincorporated area of the County to  
11 investigate and ascertain whether the property or premises is in compliance  
12 with this Section, and to make any inspection as may be necessary in the  
13 performance of the enforcement duties. These investigation activities may  
14 include visual inspections, taking of photographs, taking samples or other  
15 physical evidence, and the making of video and/or audio recordings. All such  
16 entries and inspections shall be done in a reasonable manner. If an owner,  
17 lawful occupant or the respective agent thereof refuses permission to enter  
18 and/or inspect, the County may seek an Administrative Inspection Warrant  
19 pursuant to the procedures provided by California Code of Civil Procedure  
20 Section 1822.50 et seq. and as may be amended. All costs incurred by the  
21 County in seeking and obtaining an Administrative Inspection Warrant shall  
22 be recoverable as abatement costs.

23 C. Summary Abatement. Pursuant to California Government Code section  
24 25845(a), and as may be amended, the Enforcement Officer is authorized to  
25 summarily abate public nuisances determined by the Officer to constitute an  
26 immediate threat to public health, safety or welfare. Summary abatement  
27 authority shall include the right of the County of Riverside to take immediate  
28 interim remedial measures to mitigate, secure or make safe the immediate  
threat to public health and safety.

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D. Order to Vacate. Whenever in the opinion of the building official extreme and imminent hazard exists, he shall give written notice ordering the occupants of any such building to immediately vacate, and in the event compliance with the order is not voluntarily and promptly obtained, he shall request the law enforcement agency having jurisdiction to effect such a vacation or forthwith take such action at law as is required to cause the premises to be vacated. A copy of the ORDER TO VACATE, which shall include the reasons for the order, shall be posted on the building and mailed to all concerned parties and filed with the Clerk of the Riverside County Board of Supervisors in the same manner as the notice of defects. Upon giving such order to vacate, the building official shall cause to be posted at each entrance to the building a notice to read: "DANGER - DO NOT ENTER OR OCCUPY, Building Official, County of Riverside". Such notices shall remain posted until the required repair, demolition or removal are completed. Such notice shall not be removed without written permission of the building official, and no person shall enter the building except for the purpose of making the required repairs or the demolition of the building, without the written permission of the building official.

E. Abatement Procedure. All violations of this section shall be abated in accordance with the procedures provided for in the State Housing Law, California Health and Safety Code, Division 13, Part 1.5, commencing with section 17910 and California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1.

F. Abatement Cost Recovery. Unless otherwise specified by the State Housing Law, all abatement costs incurred pursuant to this section shall be recovered in accordance with the abatement costs recovery procedures provided for in Ordinance No. 725, which is incorporated herein by this reference.

G. Enforcement by Civil Action. The County may abate a violation of this ordinance by the prosecution of a civil action through the Office of County

1 Counsel, including an action for injunctive relief. The remedy of injunctive  
2 relief may take the form of a court order, enforceable through civil contempt  
3 proceedings or receivership, prohibiting the maintenance of the violation of  
4 this ordinance or requiring compliance with other terms.

5 H. Misdemeanor Penalty. Any person who violates any of the provisions of this  
6 part, the building standards published in the State Building Standards Code  
7 relating to the provisions of this part, or any other rule or regulation  
8 promulgated pursuant to the provisions of this part is guilty of a misdemeanor,  
9 punishable by a fine not exceeding \$1,000.00 or by imprisonment not  
10 exceeding six months, or by both such fine and imprisonment.

11 I. Non-Exclusive Remedies and Penalties. All remedies and penalties for the  
12 abatement of public nuisances provided for in this section shall be cumulative  
13 and not exclusive. Enforcement by use of any administrative, criminal or civil  
14 action, citation or administrative proceeding or abatement remedy does not  
15 preclude the use of additional citations or other remedies as authorized by  
16 other ordinance or law. Enforcement remedies may be employed concurrently  
17 or consecutively. Conviction and punishment of or enforcement against any  
18 person hereunder shall not relieve such person from the responsibility of  
19 correcting, removing or abating a violation, nor prevent the enforced  
20 correction, removal or abatement thereof. Each and every day, or any portion  
21 thereof, during which any violation of a Land Use Ordinance or the rules,  
22 regulations, orders, permits or conditions of approval issued thereunder is  
23 committed, continued, or permitted by such person, shall be deemed a  
24 separate and distinct offense.

25 Section 20. IMPLEMENTATION OF THE MOBILEHOME PARKS ACT. The County  
26 of Riverside implements the Mobilehome Parks Act, California Health and Safety Code, Division 13, Part  
27 2.1, commencing with Section 18200 and California Code of Regulations, Title 25, Division 1, Chapter 2,  
28 commencing with Section 1000 for mobilehome park administrative and enforcement authority, permits,  
plans, fees, violations, inspections and penalties both within and outside mobile home parks.

1            Section 21.    IMPLEMENTATION OF THE SPECIAL OCCUPANCY PARKS ACT.  
2    The County of Riverside implements the Special Occupancy Parks Act, California Health and Safety Code,  
3    Division 13, Part 2.3, commencing with Section 18860 and California Code of Regulations, Title 25,  
4    Division I, Chapter 2.2, commencing with Section 2000 for special occupancy park administrative and  
5    enforcement authority, permits, fees, violations, inspections and penalties both within and outside of special  
6    occupancy parks.

7            Section 22.    IMPLEMENTATION OF THE EMPLOYEE HOUSING ACT. The County  
8    of Riverside implements the Employee Housing Act, California Health and Safety Code, Division 13, Part  
9    I, commencing with Section 17000 and California Code of Regulations, Title 25, Division I, Chapter 1,  
10   Subchapter 3, commencing with Section 600 for employee housing administrative and enforcement  
11   authority, permits, fees, violations, inspections and penalties.

12           Section 23.    IMPLEMENTATION OF THE FACTORY-BUILT HOUSING LAW. The  
13   County of Riverside implements the Factory-Built Housing Law, California Health and Safety Code,  
14   Division J 3, Part 6 commencing with Section 19960 and California Code of Regulations, Title 25, Division  
15   J, Chapter 3, Subchapter 1, commencing with Section 3000 for factory-built housing administrative and  
16   enforcement authority, permits, fees, violations, inspections and penalties.

17           Section 24.    VIOLATION AND PENALTIES. Unless otherwise provided in this  
18   ordinance or as required by state law, the procedures, remedies and penalties for any violation of this  
19   ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is  
20   incorporated herein by this reference.

21           Section 25.    SEVERABILITY. If any provision, clause, sentence or paragraph of this  
22   ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity  
23   shall not affect the other provisions of this ordinance which can be given effect without the invalid provision  
24   or application, and to this end, the provisions of this ordinance are hereby declared to be severable.”

25   ///  
26   ///  
27   ///  
28   ///

1                    Section 26.    EFFECTIVE DATE. This ordinance shall take effect sixty (60) days after its  
2 adoption.

3  
4                    **BOARD OF SUPERVISORS OF THE COUNTY**  
5                    **OF RIVERSIDE, STATE OF CALIFORNIA**

6                    By: \_\_\_\_\_  
7                    **Chairman**

8                    **ATTEST:**

9                    **CLERK OF THE BOARD**

10                  By: \_\_\_\_\_

11                  **Deputy**  
12                  **(SEAL)**

13                  **APPROVED AS TO FORM**  
14                  **June \_\_\_\_, 2019**

15                  By: \_\_\_\_\_  
16                  **SARAH K. MOORE**  
17                  **Deputy County Counsel**

18                  SKM  
19                  06/04/19  
20                  G:\LITIGATION\SKM\ORDINANCE 457\DRAFT ORDINANCE 457 6-3-19.DOC



APPENDIX A

AP Typ	Description	Work Class	Description	Deposit or Fixed Fee	Total
BNR	Commercial	ACOM	ADDITION TO COMMERCIAL BUILDING	D	\$6,838.7
	Buildings	AGRC	AGRICULTURAL BUILDING	D	\$4,888.9
		AIND	ADDITION TO INDUSTRIAL BUILDING	D	\$14,009.0
		COM	COMMERCIAL BUILDING	D	\$11,590.9
		IND	INDUSTRIAL BUILDING	D	\$16,198.0
BTI	Tenant	TI	TENANT IMPROVEMENT	D	\$2,767.9
	Improvement	COT	CHANGE OF TENANT	D	\$1,058.8
BTW	Tower	CTWR	CELL TOWERS	D	\$2,438.5
		EQCS	EQUIP FOR CELL SITES	D	\$838.2
BME	Mechanical	RMEC	RESIDENTIAL MECHANICAL	F	\$212.0
		CMEC	COMMERCIAL MECHANICAL	D	\$459.3
BPL	Plumbing	RPLU	RESIDENTIAL PLUMBING	F	\$212.0
		CPLU	COMMERCIAL PLUMBING	D	\$459.3
BSP	Pool	COMP	COMMERCIAL POOL/SPA	F	\$739.2
		RES	RESIDENTIAL POOL/SPA	F	\$561.2
		SPAF	PORTABLE SPA/FOUNTAIN	F	\$212.0
		PLFNL	POOL/SPA FINAL INSPECTION	F	\$360.6
BDE	Demo	DEMO	DEMOLITION PERMIT	F	\$241.3
BEL	Electrical	RELE	RESIDENTIAL ELECTRICAL	F	\$245.3
		CELE	COMMERCIAL ELECTRICAL	D	\$457.3
		RSET	METER RESET RESIDENTIAL	F	\$328.4
		EWEL	ELECTRIC TO WELL	F	\$431.9
		TPWR	TEMPORARY POWER	F	\$245.3
		EUPG	SERVICE UP-GRADE - RESIDENTIAL	F	\$328.4
		RSLRR	ROOF MOUNT SOLAR RESIDENTIAL	F	\$515.1
		GSLRR	GROUND MOUNT SOLAR RESIDENTIAL	F	\$598.2
		SLRC	SOLAR COMMERCIAL	D	\$2,731.0
BRR	Re-Roof	RREP	INSTALLATION/ REPLACEMENT - RESIDENTIAL	F	\$212.0
		RALT	STRUCTURE ALTERATION - RESIDENTIAL	F	\$439.9
		CREP	INSTALLATION/ REPLACEMENT - COMMERCIAL	F	\$212.0
		CALT	STRUCTURE ALTERATION - COMMERCIAL	F	\$457.3
BMN	Manufactured	LPC	LOW PROFILE COMMERCIAL	F	\$246.4
	Buildings	MCC	MANUFACTURED COMMERCIAL COACH	F	\$264.4
		ACC	ACCESSORY STRUCTURE (each structure)	F	\$335.8
		FBC	FACTORY BUILT COMMERCIAL WITH FOUNDATION	D	\$817.0
		PFC	PERMANENT FOUNDATION COMMERCIAL	F	\$246.4
		REPLC	REPLACEMENT MANUFACTURED BLDG COMMERCIAL	F	\$253.4
	SPC	SITE PREPARATION COMMERCIAL	D	\$888.8	
BAS	Accessory Structure	ACB1	ACCESSORY BUILDING 1,000 SQ FT	F	\$1796.1
		ACB3	ACCESSORY BUILDING 1,001-3,000 SQ FT	F	\$1796.1
		ACCBL	ACCESSORY BUILDING OVER 3,000 SQFT	D	\$1,796.1
		ACPLB	ACCESSORY POOL BUILDING	D	\$1,796.1

AP Typ	Description	Work Class	Description	Deposit or Fixed Fee	Total
		ACFNL	ACCESSORY BUILDING FINAL INSPECTION	F	\$377.3
<b>BMK</b>	Manufactured Home	AGEH	AGRICULTURAL EMPLOYEE HOUSING	F	\$842.6
	Park	PARK	MANUFACTURED HOME PARK	F	\$642.6
		ACMHP	ACCESSORY STRUCTURE PARK (each structure)	F	\$248.2
<b>BSD</b>	Standard Plan	STSP	STANDARD PLAN TRACT DWELLING	D	\$3,169.4
		WALL	STANDARD PLAN TRACT WALL	D	\$1,057.4
<b>BRS</b>	New Residential	MODL	MODEL TRACT DWELLING	D	\$2,041.4
		GST	GUEST QUARTERS	D	\$3,648.7
		MFD	MULTI-FAMILY DWELLING	D	\$4,812.8
		SFA	SINGLE FAMILY ATTACHED DWELLING	D	\$6,287.6
		SFD	SINGLE FAMILY DETACHED DWELLING	D	\$5,377.7
		PTD	PRODUCTION TRACT DWELLING	D	\$1,472.3
		SUP	SECOND UNIT SINGLE FAMILY DWELLING	D	\$5,377.7
		DFNL	DWELLING FINAL INSPECTION	F	\$510.3
<b>BWL</b>	Walls	RETCS	RETAINING WALL - COUNTY STANDARD	D	\$415.6
		RETE	RETAINING WALL - ENGINEERED	D	\$671.1
	Single Lot Each wall	GWAL	GARDEN WALL, COUNTY STANDARD	F	\$286.0
		WALT	REPEAT GARDEN WALLS	F	\$125.9
		GWALE	GARDEN WALL, ENGINEERED	D	\$881.2
<b>BPT</b>	Patio	DEKE	DECK ENGINEERED	D	\$704.1
		DEKCS	DECK COUNTY STANDARD	F	\$488.2
		LPAT	LATTICE PATIO COVER COUNTY STANDARD	F	\$288.8
		SPAT	SOLID PATIO COVER COUNTY STANDARD	F	\$342.4
		PATE	PATIO COVER ENGINEERED	D	\$704.1
		PTFNL	PATIO COVER FINAL INSPECTION	F	\$211.0
<b>BSN</b>	Sign	BSIGN	SIGN	F	\$479.8
<b>BAR</b>	Residential Additions, Rehab.	AGST	ADDITION TO GUEST QUARTERS	D	\$3848.7
		AMFR	ADDITION MULTI-FAM DWELLING	D	\$764.9
		ASFR	ADDITION SINGLE FAM DWELLING	D	\$3002.9
		ADD1	ADDITION UNDER 1,000 SQ FT	F	\$1,851.8
		RGST	REHAB GUEST HOUSE	D	\$2,268.2
		RMFR	REHAB MULTI FAMILY DWELLING	D	\$708.9
		RSFR	REHAB SINGLE FAMILY DWELLING	D	\$3,084.3
		ADFNL	ADDITION FINAL INSPECTION	F	\$489.7
<b>BWE</b>	Wind Energy	WECS	MASTER WECS	D	\$3501.8
	Conservation	WECR	REPEAT WECS (each additional Wecs)	F	\$1423.5
<b>BMR</b>	Manufactured	LPR	LOW PROFILE RESIDENTIAL	F	\$241.7
	Residential	FBR	FACTORY BUILT RESIDENTIAL WITH FOUNDATION	D	\$794.1
		MHR	MANUFACTURED HOME RESIDENTIAL	F	\$252.2
		PFR	PERMANENT FOUNDATION RESIDENTIAL	F	\$248.2
		REPR	REPLACEMENT MANUFACTURED HOME RESIDENTIAL	F	\$248.2
		SPR	SITE PREPARATION RESIDENTIAL	D	\$608.8
		ERBR	EARTHQUAKE BRACING SYSTEM	F	\$248.2
		ADR	NEW ACCESSORY DETACHED RESIDENTIAL	F	\$248.2
		ACAR	NEW ACCESSORY ATTACHED RESIDENTIAL	F	\$248.2

AP Typ	Description	Work Class	Description	Deposit or Fixed Fee	Total
BHR	Hourly	DAI	DAMAGE ASSESSMENT INSPECTION	D	\$772.3
		MHI	MISCELLANEOUS HOURLY INSPECTION	D	\$335.8
		GRDV	GRADING VERIFICATION INSPECTION	F	\$356.6
		TEVN	SPECIAL TEMPORARY EVENT	D	\$473.0
BGRT	GRADING	RRES	RESIDENTIAL GRADING RESTORATION	D	\$2,584.4
	RESTORATION	CRES	COMMERCIAL GRADING RESTORATION	D	\$6,822.4
		REST	RESTORATION	D	\$335.8
BGR	Grading	GCOM	GRADING COMMERCIAL	D	\$5,396.6
		GOTH	GRADING OTHER	D	\$2,280.9
		GPRE	GRADING PRECISE	D	\$488.2
		GRUF	TRACTS GRADING ROUGH OR ROUGH/PRECISE	D	\$5,322.9
		GSFR	GRADING SINGLE FAMILY DWELLING	D	\$2,179.2
		GSFE	GRADING SINGLE FAMILY EXPANSION	D	\$2,179.2
		GSPIL	GRADING STOCKPILE	D	\$4,917.1
		GAG	AGRICULTURAL (GRUBBING/CLEARING)	D	\$727.3
CWP	Construction	COMC	CWP-COMMERCIAL/INDUSTRIAL BUILDING	D	\$1,610.3
	without Permit	BRSC	CWP-DWELLING	D	\$772.3
		BASC	CWP-ASSESSORY BUILDING	D	\$1,610.3
		BPTC	CWP- PATIO COVER	D	\$772.3
		BARC	CWP - ADDITION DWELLING	D	\$772.3
BXX	Miscellaneous	FENC	FENCES OVER 7'	F	\$612.9
	Permits	OTHCN	OTHER CONSTRUCTION	D	\$818.2
		CTAN	COM WATER TANK	F	\$897.9
		RTNK	RES WATER TANK	F	\$897.9
		BBQI	BBQ ISLAND	F	\$374.3
		BBQP	BBQ PORTABLE	F	\$224.6
BRI	Records	BLRI	BUILDING RECORDS INQUIRY	F	
BFE	FEE ONLY	AREG	AGRICULTURAL REGISTRATION	F	
BFE		AGEI	AGRICULTURAL GRADE EXEMP INSP REQ	F	
BFE		AGEX	AGRICULTURAL GRADE EXEMP NO INSP	F	

\*Based on Final Permit requirements at permit application  
 \$1000 Planning Fee, \$1000 Fee for a 30' x 30' x 10' concrete pad

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4.3

Airport Land Use Commission

County of Riverside

**RESOLUTION NO. 2019-03**

**CONCERNING AIRPORT LAND USE COMMISSION**

**DOCUMENT RETENTION POLICY**

WHEREAS the Airport Land Use Commission of the County of Riverside (ALUC) is empowered and required by Public Utilities Code section 21670, *et seq.*, to review and process certain local agency land use plans, actions, regulations and permits; and,

WHEREAS, ALUC staff receives and generates voluminous planning documents in the process of assisting local agencies in ensuring compatible land uses in the vicinity of new and existing public use airports, in the coordination of planning, in the preparation and adoption of an airport land use compatibility plan, and in the review of plans, regulations, and other actions of local agencies and airport operators; and,

WHEREAS, ALUC staff now finds a need to reduce the size of its physical file in order to ensure that only necessary essential documents are retained in order to preserve physical storage space and to reduce or avoid any outside storage costs; and,

WHEREAS, in order to carry out ALUC's responsibilities, ALUC may adopt rules and regulations pursuant to Public Utilities Code section 21674; and,

WHEREAS, ALUC staff proposes a document retention policy, which is attached to this Resolution, that identifies the planning documents that shall be retained and purged, and the duration of retention or timing of destruction of specified documents; and

WHEREAS, having a document retention policy will assist staff in better managing its voluminous records and will enable ALUC to eliminate the storage and maintenance of obsolete materials.

///

1 NOW THEREFORE,

2 BE IT RESOLVED, FOUND and DETERMINED by the Airport Land Use Commission of the  
3 County of Riverside, State of California, assembled on July 11, 2019, that a document retention policy is  
4 needed.

5 BE IT FURTHER FOUND and DETERMINED that the ALUC Document Retention Procedure  
6 for Case Files, attached to this Resolution, is hereby approved and adopted.

7 The foregoing Resolution was adopted on a motion by Commissioner \_\_\_\_\_  
8 and seconded by Commissioner \_\_\_\_\_ at a regularly scheduled meeting held on the  
9 \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the following vote:

10  
11 AYES: Commissioners:

12 NOES: Commissioners:

13 ABSENT: Commissioners:

14  
15 \_\_\_\_\_  
16 Chairman, Riverside County Airport Land Use Commission  
17  
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21  
22  
23  
24





# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

## ALUC DOCUMENT RETENTION PROCEDURE FOR CASE FILES

**GOAL:** To reduce the size of the physical file to make room in the filing cabinets, and to ensure that the physical file contains only the necessary essential documents.

**ACTION:** The following Document Retention Policy identifies what documents shall be retained, and what documents shall be purged, after a case has had the AIRPORT LAND USE COMMISSION (ALUC) Development Review Determination of consistency or inconsistency with the applicable Airport Land Use Plan or Policy.

**CHAIR**  
Steve Manos  
Lake Elsinore

**VICE CHAIR**  
Russell Betts  
Desert Hot Springs

**COMMISSIONERS**

Arthur Butler  
Riverside

John Lyon  
Riverside

Steven Stewart  
Palm Springs

Richard Stewart  
Moreno Valley

Gary Youmans  
Temecula

**STAFF**

Director  
Simon Housman

John Guerin  
Paul Rull  
Barbara Santos

County Administrative Center  
4080 Lemon St., 14th Floor  
Riverside, CA 92501  
(951) 955-5132

<u>RETAIN (indefinitely)</u>	<u>PURGE (after determination letter)</u>
Determination letter	Duplicate plans
FAA letter	Superseded plans
Airport Manager/MARB comment letter	Mailing gum labels (copies)
Public comment letter	Plans/documents not on ALUC checklist
Commission supplemental package	Duplicate plans package (8.5x11)
Staff report with attachments	Landscaping plans
GPA/CZ exhibits	Artist rendering plans
GPA/SPA/Zoning ordinance documents	Email conversations
ALUC application + fee payment receipt	Scratch paper/post it notes
Applicant project description/analysis	Title reports
Solar Glare Study	CD digital files
Applicant meeting waiver requests	
All related digital files	
<b>RETAIN ONLY THREE (3) YEARS AFTER DETERMINATION DISPATCHED. THEN PURGE</b>	
Plans package including the Cover Page, Site Plans used for evaluation and one page of building Elevations. (24'x36') (for 3 years)	

[www.aluc.org](http://www.aluc.org)

Adopted by Riverside County Airport Land Use Commission effective July 1, 2019.

**Note:** All records relating to an identified matter may have to be retained longer in the event of a litigation hold, until the litigation hold has been released in writing by Counsel.



**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

**DRAFT**

A regular scheduled meeting of the Airport Land Use Commission was held on June 13, 2019 at the Riverside County Administrative Center, Board Chambers.

**COMMISSIONERS PRESENT:** Steve Manos, Chair  
Russell Betts, Vice Chair  
Arthur Butler  
John Lyon  
Steven Stewart  
Richard Stewart  
Gary Youmans

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** John Guerin, Principal Planner  
Paul Rull, Principal Planner  
Barbara Santos, ALUC Commission Secretary  
Raymond Mistica, ALUC Counsel

**OTHERS PRESENT:** Richard Clark, RCE Consultants  
Scott Hildebrandt, Albert A. Webb Associates

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.1:** ZAP1366MA19 – T-Mobile (Representative: Coastal Business Group) – County of Riverside Case No. PPT180010 (Plot Plan). A proposal to construct a 50 foot tall mono-tree wireless communication facility with a 400 square foot equipment shelter area on 1.98 acres located on the northwest corner of Haines Street and Oleander Avenue in the unincorporated community of Mead Valley (Airport Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Plot Plan CONDITIONALLY CONSISTENT, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

IV. **PROJECT DESCRIPTION**

The applicant proposes to construct a 50 foot tall mono-tree wireless communication facility with a 400 square foot equipment shelter on 1.98 acres.

**CONDITIONS:** (New conditions, as added pursuant to FAA letter subsequent to hearing, shown in **bold type**).

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site: in accordance with Note A on Table 4 of the Mead Valley Area Plan.
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The following uses/activities are specifically prohibited at this location: trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes;

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

construction and demolition debris facilities; wastewater management facilities; incinerators; noise-sensitive outdoor nonresidential uses; and hazards to flight. Children's schools are discouraged.

4. The following uses/activities are not included in the proposed project, but, if they were to be proposed through a subsequent use permit or plot plan, would require subsequent Airport Land Use Commission review:

Restaurants and other eating establishments; day care centers; health and exercise centers; churches, temples, or other uses primarily for religious worship; theaters.

5. The attached notice shall be given to all prospective purchasers of the property and lessees of the facility, and shall be recorded as a deed notice.
6. Any proposed detention basins on the site (including water quality management basins) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
7. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.

**The following conditions were added subsequent to the June 13, 2019 ALUC hearing.**

8. **The Federal Aviation Administration has conducted an aeronautical study of the proposed project (Aeronautical Study No. 2019-AWP-5172-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 2 and shall be maintained in accordance therewith for the life of the project.**
9. **The proposed structure shall not exceed a height of 50 feet above ground level and a maximum elevation at top point of 1,734 feet above mean sea level.**
10. **The maximum height and top point elevation specified above shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.**
11. **Temporary construction equipment used during actual construction of the structure shall not exceed 50 feet in height and a maximum elevation of 1,734 feet above mean sea level,**

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

**unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.**

- 12. Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the applicable structure.**

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

No one spoke in favor, neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONDITIONALLY CONSISTENT, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.1: TIME: 9:31 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.2:** ZAP1364MA19 – RD Moval, LLC (Representative: Jonathan Zane) – City of Moreno Valley Case No. PEN19-0052 (Conditional Use Permit). A proposal to establish a commercial cannabis dispensary within an existing 2,379 square foot building with an address of 21820 Alessandro Boulevard, located on the north side of Alessandro Boulevard, westerly of Day Street, and easterly of Old 215 Frontage Road and I-215. The proposed cannabis dispensary will occupy one of three existing buildings on the 0.9-acre property (Assessor's Parcel Number 263-220-015), with the other two buildings being not part of the project scope. No new building construction is proposed (Airport Compatibility Zone B1-APZ-II of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**  
None

III. **STAFF RECOMMENDATION**  
Staff recommends that the Commission find the proposed Conditional Use Permit CONSISTENT, based on the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**  
A proposal to establish a commercial cannabis dispensary within an existing 2,379 square foot building on a 0.9-acre property (Assessor's Parcel Number 263-220-015). The proposed cannabis dispensary will occupy one of three existing buildings on-site, with the other two buildings not being part of the project scope. No new building construction is proposed.

**CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of



**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, day care centers, libraries, hospitals, skilled nursing and care facilities, congregate care facilities, hotels/motels, restaurants, places of assembly (including churches and theaters), buildings with more than 3 aboveground habitable floors, noise sensitive outdoor nonresidential uses, critical community infrastructure facilities and hazards to flight.
  - (f) Any other uses not permitted in Accident Potential Zone II pursuant to DoDI 4165.57.
3. Prior to issuance of any building permits, the landowner shall convey and have recorded an avigation easement to the March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
  4. The attached notice shall be given to all prospective purchasers of the property and tenants of the buildings.
  5. Any proposed detention basins on the site (including water quality management basins) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
  6. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
  7. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission and March Air Reserve Base.
  8. Any increase in building area or change in use will require review by the Airport Land Use Commission. In addition, this project shall not store, process or manufacture hazardous materials without review and approval by the Airport Land Use Commission.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

No one spoke in favor, neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT.

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.2: TIME: 9:35 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.3:** ZAP1073PS19 – Tower Energy (Representative: RCE Consultants) – City of Cathedral City Case Nos. SPA87-26C (Specific Plan Amendment), CUP19-002 (Conditional Use Permit). A proposal to establish a gas station facility with a 5,056 square foot convenience store and 12 fueling stations on 1.74 acres, located on the northwest corner of Date Palm Drive and Ortega Road. The applicant also proposes amending Specific Plan No. 87-26B text deleting ‘convenience market’ use from the list of prohibited uses within the Specific Plan (Airport Compatibility Zone D of the Palm Springs International Airport Influence Area).

II. **MAJOR ISSUES**  
None

III. **STAFF RECOMMENDATION**  
Staff recommends that the Commission find the proposed Specific Plan Amendment CONSISTENT with the 2005 Palm Springs International Airport Land Use Compatibility Plan, and find the proposed Conditional Use Permit CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**  
A proposal to establish a gas station facility with a 5,056 square foot convenience store and 12 fueling stations on 1.74 acres. The property is located within Specific Plan No. 87-26B, which lists “convenience market” as a prohibited use. Therefore, the applicant also proposes amending the text of Specific Plan No. 87-26B by deleting “convenience market” use from the list of prohibited uses within the Specific Plan boundary.

**CONDITIONS:**

1. Any new outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

and demolition debris facilities, fly ash disposal, and incinerators.)

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Highly noise-sensitive outdoor nonresidential uses.
3. The attached notice shall be given to all prospective purchasers, lessees, and/or tenants of the property, and shall be recorded as a deed notice.
  4. Any new detention basin(s) on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
  5. The evaluated project consists of a 5,056 square foot convenience store building and 12 fueling pumps. Any increase in building area or change in use to assembly occupancies will require an amended review by the Airport Land Use Commission.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

The following spoke in favor of the project:

Richard Clark, RCE Consultants, Laguna Hills, CA 92653

No one spoke in neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT.

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.3: TIME: 9:39 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.4:** ZAP1075PS19 – Desert Hot Springs Wind, LLC/Terra-Gen Development Company, LLC (Representative: Armand Anselmo) – City Planning Case Nos. CUP 01-18 (Conditional Use Permit) and VAR 01-18 (Variance). “Desert Hot Springs Wind Repowering Project”: A proposal to decommission and remove 69 existing commercial wind turbines and install 4 new commercial wind turbines with a maximum height of 499 feet above ground level on 161.61 acres (the southwest quarter of Section 31, Township 2 South, Range 4 East, also identifiable as Assessor’s Parcel Number 667-160-001) of mountainous terrain located northerly of the unincorporated community of Painted Hills, westerly of State Highway Route 62, northerly of Avenue 16, and easterly of Windhaven Road. Each turbine would have a generating capacity between 2.0 megawatts (MW) and 4.2 MW. A laydown yard, new temporary and permanent internal roads, and connection to 12-kilovolt (kV) electrical collection lines are also anticipated. ALUC review is required due to the proposed turbines being greater than 200 feet in height. (Not in an Airport Influence Area. Closest airport: Palm Springs International Airport).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends that the proposed Conditional Use Permit and Variance be found CONSISTENT with the 2004 Riverside County Airport Land Use Compatibility Plan.

IV. **PROJECT DESCRIPTION**

The applicant proposes to decommission and remove 69 existing commercial wind turbines (wind energy conversion systems, abbreviated as “WECS”) and install 4 new commercial wind turbines with a maximum height of 499 feet above ground level with a per turbine energy generating capacity between 2.0 megawatts (MW) and 4.2 MW on 161.61 acres. Also proposed are associated equipment such as a laydown yard, construction of new temporary and permanent internal roads, and connection to 12-kilovolt (kV) underground/overhead electrical collection lines. A variance is also requested in order to allow for structures greater than 200 feet in height. Wind turbine heights are measured at top of blade in the “twelve o’clock position”.

**CONDITIONS:**

1. The proposed wind turbines (“WECS”) shall not generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Rotor blades shall utilize a flat or matte (non-glossy) finish so as to minimize the reflection of sunlight towards an aircraft engaged in an initial straight climb during takeoff or towards an aircraft engaged in a straight final approach toward a landing at an airport.
3. The WECS and any accessory uses shall not generate smoke or water vapor and shall be designed so as not to attract large concentrations of birds.
4. The combined height of each WECS and its foundation shall not exceed 499 feet above ground level (AGL).

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

5. This project has been evaluated by Airport Land Use Commission (ALUC) and the Federal Aviation Administration (FAA) for four (4) wind turbines only (T-1 through T-4). Any increase in number, height, or change in location of the turbines, or any proposal for new structures taller than 200 feet from ground level, will require subsequent submittal to, and review by, the ALUC and FAA. No meteorological towers 200 feet or greater in height are included in this determination.
6. The Federal Aviation Administration has conducted aeronautical studies of each proposed wind turbine (Aeronautical Study Nos. 2018-WTW-12513-OE through 2018-WTW-12516-OE) and has specified that each of these structures shall be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, white paint/synchronized red lights – Chapters 4, 12, & 13 (Turbines), unless superseded by subsequent FAA determination(s) in writing.
7. In order to ensure proper conspicuity of turbines at night during construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time the permanent lighting configuration is turned on. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. The temporary lighting may be turned off for periods when they would interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. An FAA Type L-810 steady red light fixture shall be used to light the structure during the construction phase. If power is not available, turbines shall be lit with self-contained, solar powered LED steady red light fixture that meets the photometric requirements of an FAA Type L-810 lighting system. The lights should be positioned to ensure that a pilot has an unobstructed view of a least one light at each level. The use of NOTAM (D) to not light turbines within a project until the entire project has been completed is prohibited.
8. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as normal operation is restored, notify the same number.
9. The maximum top point elevations specified below shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.

Turbine Number	Maximum Feet Above Mean Sea Level (AMSL)
Turbine 1	2,307
Turbine 2	2,307
Turbine 3	2,323
Turbine 4	2,285
10. Temporary construction equipment used during actual construction of the structures shall not exceed 499 feet in height and a maximum elevation (above mean sea level) not to exceed the above turbine table above, unless separate notice is provided to the Federal Aviation



**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

Administration through the Form 7460-1 process.

11. Within five (5) days after construction reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oaaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the structure.
12. To the maximum extent possible, in compliance with FAA guidelines regarding lighting, mitigation measures shall be incorporated into the project that would minimize light pollution to the people on the ground.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rivco.org](mailto:jguerin@rivco.org)

No one spoke in favor, neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT.

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.4 TIME: 9:47 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.5:** ZAP1079BD19 – La Paloma Homes (Representative: Egan Civil, Inc.) – County of Riverside Case Nos. CZ1900007 (Change of Zone), TTM37735 (Tentative Tract Map). A proposal to divide 3.70 gross acres into 17 single family residential lots, and change the zoning of the site from Controlled Development Areas (W-2) to General Residential (R-3-6,000), located westerly of Hopewell Avenue, northerly of Port Royal Avenue, easterly of Hermitage Drive, and southerly of Aerodrome Avenue (Airport Compatibility Zone D of the Bermuda Dunes Airport Influence Area).

II. **MAJOR ISSUES**

The proposed project results in a density of 4.6 dwelling units per gross acre. However, if the project's density is calculated by net acreage (excluding dedication for the right-of-way of Hopewell Avenue), pursuant to Resolution No. 05-104 (approved by the Commission in December, 2005), the resulting density is 5.1 dwelling units per acre, which is consistent with the Compatibility Zone D density criteria.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Change of Zone CONSISTENT with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan, and find the proposed Tentative Tract Map CONDITIONALLY CONSISTENT, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

IV. **PROJECT DESCRIPTION**

The applicant proposes to divide 3.70 gross acres (3.31 net acres) into 17 single family residential lots, and change the zoning of the site from Controlled Development Areas (W-2) to General Residential (R-3-6,000).

**CONDITIONS: (Final conditions await FAA approval)**

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - (a) Any use or activity which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use or activity which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use or activity which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

the area. (Such uses include landscaping utilizing water features, aquaculture, composting operations, production of cereal grains, sunflower, and row crops, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Highly noise-sensitive outdoor nonresidential uses.
3. The attached notice shall be given to all prospective purchasers of the proposed lots and tenants of the homes built thereon, and shall be recorded as a deed notice.
  4. Any ground-level or aboveground water detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.
  5. Noise attenuation measures shall be incorporated into the design of the single family residences, to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

No one spoke in favor, neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 6-0 found the project CONSISTENT (Change of Zone; CONDITIONALLY CONSISTENT (Tract Map), subject to the conditions included herein, and such additional conditions as may be required by the FAA OES. Recuse: Commissioner Youmans

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.5: TIME: 9:57 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.6:** ZAP1090FV19 – AVA Property Investments, LLC (Representative: Benjamin J. Stables, PEC West, Inc.) – County of Riverside Case Nos. PP26346 (Plot Plan) and PM37398 (Tentative Parcel Map). PP26346 is a proposal to construct a five-building commercial retail center with a combined gross floor area of 56,700 square feet on approximately 7.3 acres located on the easterly side of Winchester Road (State Highway Route 79), westerly of Sky Canyon Road (extended southerly) and northerly of Willows Avenue in the unincorporated community of French Valley. The development would include a 31,900 square foot grocery store, a 10,000 square foot retail building, a 7,500 square foot tire shop/service center, a 3,000 square foot restaurant with drive-through, and a 4,300 square foot car wash structure. PM37398 is a proposal to divide the site into five parcels, so that each building would be located on a separate parcel. (Compatibility Zone D of the French Valley Airport Influence Area).

II. **MAJOR ISSUES**

If the restaurant building consists entirely of dining area, the allowable total intensity for the lot on which it is situated could be exceeded. However, if the dining area is limited to 60 percent of this building, with 40 percent kitchen space, the project will comply with applicable nonresidential intensity criteria.

The project includes a bioretention area that is greater than 100 feet in length and greater than 50 feet in width. Bioretention areas are not recommended in the vicinity of airports due to the potential that such areas could provide food, water, and shelter for hazardous wildlife. Pursuant to the brochure titled “Airports, Wildlife and Stormwater Management” prepared by Mead & Hunt at the direction of ALUC staff, such basins are potentially suitable in Compatibility Zone D only if less than 30 feet in length and width and if “vegetation is selected to discourage hazardous wildlife and reviewed by a qualified biologist.”

III. **STAFF RECOMMENDATION**

Staff recommends that the proposed Plot Plan and Tentative Parcel Map be found CONSISTENT with the 2007 French Valley Airport Land Use Compatibility Plan, as amended in 2011, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

Plot Plan No. 26346 is a proposal to construct a five-building commercial retail center with a combined gross floor area of 56,700 square feet on approximately 7.3 acres (Assessor’s Parcel Numbers 920-120-034 and 920-120-035). The development would include a 31,900 square foot grocery store, a 10,000 square foot retail building, a 7,500 square foot tire shop/service center, a 3,000 square foot restaurant with drive-through, and a 4,300 square foot car wash structure. Tentative Parcel Map No. 37398 proposes to divide the site into five parcels, so that each building would be located on a separate parcel.

**CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with the requirements of Riverside County Ordinance No. 655, as applicable. Outdoor lighting shall be downward facing.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, hospitals, skilled nursing and care facilities, highly noise sensitive outdoor nonresidential uses, and hazards to flight.
3. The attached notice shall be provided to all prospective purchasers of the proposed parcels and tenants or lessees of the buildings, and shall be recorded as a deed notice prior to or in conjunction with recordation of the final parcel map. In the event that the Office of the Riverside County Assessor-Clerk-Recorder declines to record said notice, the text of the notice shall be included on the Environmental Constraint Sheet (ECS) of the final parcel map, if an ECS is otherwise required.
4. Any ground-level or aboveground water detention basin or facilities shall be designed and maintained for a maximum 48-hour detention period after the design storm and remain totally dry between rainfalls. Vegetation around such facilities that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced to prevent contiguous canopy, when mature. Trees and bushes shall not produce fruit, seeds, or berries.

Landscaping in the detention basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at [RCALUC.ORG](http://RCALUC.ORG) which list acceptable plants from Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

5. The dining/seating area within Building 4 (restaurant) shall be limited to 2,400 square feet (maximum 80 percent of gross floor area).
6. Any dining/seating area of eating and drinking places in Buildings 1 and 2 shall be limited to a maximum of 1,500 square feet per building.
7. No restaurant uses shall be permitted in Building 3.
8. Building 1 shall be limited to general retail (including food-related retail) uses, along with accessory office and storage activities. Use of more than 1,500 square feet within Building 1 for assembly uses (such as churches, theaters, gymnasiums, fitness centers, and auditoriums) or any use where the Building Code permits occupancy at levels greater than one person per 30 square feet is prohibited.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rivco.org](mailto:jguerin@rivco.org)

No one spoke in favor, neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT.

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.6: TIME: 10:04 A.M.



**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.7** ZAP1083FV18 – Pierer Immoreal North America, LLC (Representative: CASC Engineering and Consulting) – County of Riverside Case No. PPT180022 (Plot Plan). A proposal to revise the original KTM project that was accepted by the Commission on November 8, 2018, the new proposal is to construct a two-story 47,675 square foot KTM headquarters office building, a 60,860 square foot motorsport research building, a 17,917 square foot warehouse building, a 20,696 square foot outdoor semi-truck parking area, and an outdoor 8,602 square foot maintenance area, on 19.57 acres (development footprint) of a 56.95-acre site, located northerly of Borel Road, easterly of Winchester Road Highway 79, westerly of Sky Canyon Road, and southerly of Sparkman Way (Airport Compatibility Zones B2 and D of the French Valley Airport Influence Area).

II. **MAJOR ISSUES**  
None

III. **STAFF RECOMMENDATION**  
Staff recommends that the Commission find the Plot Plan CONDITIONALLY CONSISTENT, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

IV. **PROJECT DESCRIPTION**  
The applicant proposes to revise the original KTM project that was accepted by the Commission on November 8, 2018. The new proposal is to construct a two-story 47,675 square foot KTM headquarters office building, a 60,860 square foot motorsport research building, a 17,917 square foot warehouse building, a 20,696 square foot outdoor semi-truck parking area, and an outdoor 8,602 square foot maintenance area, on 19.57 acres (development footprint) of a 56.95-acre site

**CONDITIONS: (Final conditions await FAA approval)**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky and shall comply with the requirements of Riverside County Ordinance No. 655, as applicable. Outdoor lighting plans, if any, shall be transmitted to Riverside County Economic Development Agency – Aviation Division personnel and to the French Valley Airport for review and comment. (Failure to comment within thirty days shall be considered to constitute acceptability on the part of the airport manager.)
2. The review of this Plot Plan is based on the proposed uses and activities noted in the project description. The following uses/activities are not included in the proposed project and shall be prohibited at this site, in accordance with Note A on Table 4 of the Southwest Area Plan.
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

towards a landing at an airport.

- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. Prior to issuance of building permits, the landowner shall convey an avigation easement to the County of Riverside as owner of French Valley Airport, or provide evidence that such easement (applicable to all of the properties in the project) has been previously conveyed. Contact the Riverside County Economic Development Agency – Aviation Division at (951) 955-9722 for additional information.
  4. The attached notice shall be provided to all prospective purchasers of the property and future tenants of the buildings thereon.
  5. The following uses/activities are specifically prohibited at this location: trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes; construction and demolition debris facilities; wastewater management facilities; incinerators; children’s schools; day care centers; libraries; hospitals; nursing homes and other skilled nursing and care facilities; places of worship or assemblies of people; noise-sensitive outdoor nonresidential uses; and hazards to flight.
  6. Any proposed detention basins or facilities shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
  7. Any subsequent Conditional Use Permit, Plot Plan, or other permitting that would alter the use and occupancy of the currently proposed project shall require ALUC review.
  8. Noise attenuation measures shall be incorporated into the design of the buildings, to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
  9. The ALUC open areas as shown on the site plan shall be devoid of obstacles/obstructions greater than 4 feet in height that are at least 4 inches in diameter, which includes parking light poles, walls, trash enclosures, and tall landscaping.
  10. Prior to issuance of building permits for any building on this site, the permittee shall provide copies of a “Determination of No Hazard to Air Navigation” letter from the Federal Aviation Administration Obstruction Evaluation Service relating to that specific building or group of

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

buildings to the Department of Building and Safety and to the Riverside County Airport Land Use Commission. The permittee shall comply with all requirements of such letter.

11. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission and Riverside County Economic Development Agency as owner and operator of French Valley Airport. In the event of any reasonable complaint about glare related to aircraft operations, the applicant shall agree to such specific mitigation measures as determined or requested by Riverside County Economic Development Agency.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

No one spoke in favor, neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONDITIONALLY CONSISTENT, subject to the conditions included herein, and such additional conditions as may be required by the FAA OES.

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.7: TIME: 10:20 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.8:** ZAP1046TH19 – Kohl Ranch Company, LLC “Thermal Beach Club” (Representative: Melissa Perez, Albert A. Webb Associates) – County of Riverside Planning Case Nos. TTM 37269 (Tentative Tract Map) and PP 180037 (Plot Plan). Tentative Tract Map No. 37269 is a proposal to divide 239 acres within two existing parcels with a total area of 307.12 acres located southerly of 64th Avenue, easterly of Tyler Street, northerly of 66th Avenue, and westerly of Polk Street into 210 residential lots that will accommodate 326 dwelling units. All of the lots will have a net area not exceeding 8,712 square feet (0.2 acre). 128 lots will accommodate individual single-family residences. 65 lots will accommodate duplexes (two unit structures). 17 lots will accommodate four-unit structures (four-plexes). Additional lots will accommodate a surf lagoon, village area with clubhouse buildings, reservoir, and drainage areas. Plot Plan No. 180037 is a proposal to establish a surf lagoon with wave making capabilities on 21 acres and to develop a clubhouse village area consisting of four buildings with a combined gross floor area of 42,000 square feet. Anticipated uses of the clubhouse buildings include a restaurant, kitchen facilities, bar, spa, exercise facilities, swimming pool, deck, retail uses, and administration. The project is proposed under the name “Thermal Beach Club” (Compatibility Zones D and E of the Jacqueline Cochran Regional Airport Influence Area).

II. **MAJOR ISSUES**

The applicant is proposing a 21-acre surf lagoon and a reservoir, both of which would be permanent water bodies within an Airport Influence Area. In order to address the concern of bird attraction, a qualified wildlife hazard biologist has prepared a report addressing potential measures to minimize this potential hazard to flight.

The overall density of the project is less than five dwelling units per acre. However, all of the proposed residential lots are less than 8,712 square feet (0.2 acre) in area. Pursuant to Additional Compatibility Policy 2.2 of the Jacqueline Cochran Regional Airport Land Use Compatibility Plan, projects located southerly of Avenue 64 are substantially consistent... with Zone D if the average residential lot size is 8,712 square feet (0.2 acre) or less, excluding common area, public facility, drainage basin, recreational, and open space lots.

As of the writing of this staff report, the applicant has not indicated locations that will be maintained as perpetual open areas to meet the Compatibility Zone D criterion requiring 10 percent open area.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission open the public hearing, consider public testimony, discuss the proposal, and CONTINUE its consideration of the proposed Tentative Tract Map and Plot Plan to its July 11, 2019 meeting, unless the project is amended to depict perpetually maintained open area at least equal to ten percent of the portion of the property in Compatibility Zone D. Should that occur prior to the hearing, staff may recommend a finding of CONSISTENCY with the 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan, as amended in 2006, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

Tentative Tract Map No. 37269 is a proposal to divide 239 acres within two existing parcels with a total area of 307.12 acres into 210 residential lots that will accommodate 326 dwelling units. All of the residential lots will have a net area not exceeding 8,712 square feet (0.2 acre). 128 lots will accommodate individual single-family residences. 65 lots will accommodate duplexes (two unit

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

structures). 17 lots will accommodate four-unit structures (four-plexes). (The applicant envisions maintaining the lots with two-unit and four-unit structures for rental or vacation rental purposes.) Additional lots will accommodate a surf lagoon, village area with clubhouse buildings, reservoir, and drainage areas.

Plot Plan No. 180037 is a proposal to establish a surf lagoon with wave making capabilities on 21 acres and to develop a clubhouse village area consisting of four buildings with a combined gross floor area of 42,000 square feet. Anticipated uses of the clubhouse buildings include a restaurant, kitchen facilities, bar, spa, exercise facilities, swimming pool, deck, retail uses, and administration.

The project is proposed under the name "Thermal Beach Club."

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rivco.org](mailto:jguerin@rivco.org)

The following spoke in favor of the project:

Scott Hildebrandt, Albert A. Webb Associates, 3788 McCray Street, Riverside, CA 92506

No one spoke in neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 will DISCUSS and CONTINUE project to July 11, 2019.

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.8: TIME: 10:28 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.9: ZAP1035RG19 – City of Riverside (Representative: Jarrod Coleman) – City Planning Case Nos. P19-0054 (General Plan Amendment) and P19-0057 (Zoning Ordinance Amendment).** P19-0054 is a proposal to amend the Land Use and Urban Design Element of the City’s General Plan so as to broaden the range of zoning classifications considered to be consistent with the various General Plan land use designations, involving amendments to Table LU-5 Consistency Matrix, inclusion of two new tables (Table LU-6 Consistency Quick Check and Table LU-7 Consistency Criteria), and amendments to the descriptions of various land use designations and of the process for determination of General Plan consistency. Among nonresidential zones, Commercial Retail (CR) and Commercial General (CG) zoning would be considered consistent with the Commercial Regional Center, Office, Business/Office Park, Industrial, Mixed Use-Village, and Mixed Use-Urban designations, as well as the Commercial designation. The Commercial Retail zone would also be considered consistent with the Mixed Use-Neighborhood designation. The Office (O) zone would be considered consistent with the Business/Office Park and Public Facilities and Institutional Uses designations, as well as the Office designation. P19-0057 would amend Chapter 19.090 of the City’s Zoning Code by identifying the steps to determine General Plan consistency utilizing Tables LU-5, LU-6, and LU-7. (Citywide).

II. **MAJOR ISSUES**

ALUC staff had a number of concerns with the initial proposal, but these have been resolved to staff’s satisfaction.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission open the public hearing, consider testimony, and find the proposed City of Riverside General Plan Amendment, as fully set forth in Attachment 1, and the accompanying proposed Zoning Code Amendment, CONSISTENT with the 2005 Riverside Municipal Airport Land Use Compatibility Plan, the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and the 2004 Flabob Airport Land Use Compatibility Plan.

IV. **PROJECT DESCRIPTION**

The City of Riverside proposes to amend the Land Use and Urban Design Element of the City’s General Plan so as to broaden the range of zoning classifications considered to be consistent with the various General Plan land use designations, involving amendments to Table LU-5 Consistency Matrix, inclusion of two new tables (Table LU-6 Consistency Quick Check and Table LU-7 Consistency Criteria), and amendments to the descriptions of various land use designations and of the process for determination of General Plan consistency. Among nonresidential zones, Commercial Retail (CR) and Commercial General (CG) zoning would be considered consistent with the Commercial Regional Center, Office, Business/Office Park, Industrial, Mixed Use – Village, and Mixed Use – Urban designations, as well as the Commercial designation. The Commercial Retail zone would also be considered consistent with the Mixed Use – Neighborhood designation. The Office (O) zone would be considered consistent with the Business/Office Park and Public Facilities and Institutional Uses designations, as well as the Office designation.

The City also proposes to amend Chapter 19.090 of the City’s Zoning Code by identifying the steps to determine General Plan consistency utilizing Tables LU-5, LU-6, and LU-7.



**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: John Guerin at (951) 955-0982, or e-mail at [jguerin@rivco.org](mailto:jguerin@rivco.org)

No one spoke in favor, neutral or opposition to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC by a unanimous vote of 7-0 found the project CONSISTENT.

**VII. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 3.9: TIME: 11:27 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER JUNE 13, 2019  
RIVERSIDE MEETING**

**I. 4.0 ADMINISTRATIVE ITEMS**

4.1 Director's Approvals – Information Only

4.2 Notification: Upcoming Election of Commission Officers

John Guerin, ALUC staff informed the Commission that the upcoming election for Chair and Vice Chair will be held on July 11 at the next ALUC Commission Hearing.

4.3 Off-Field landing: March Air Reserve Base/Inland Port Airport Influence Area, May 16, 2019

Commissioner Richard Stewart commented if there is a way to have staff contact them on any information or news regarding off-field landings.

**II. 5.0 APPROVAL OF MINUTES**

The ALUC by a unanimous vote of 7-0 approved the May 9, 2019 minutes.

**III. 6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

None

**IV. 7.0 COMMISSIONER'S COMMENTS**

None

**V. 8.0 ADJOURNMENT**

Steve Manos, Chairman adjourned the meeting at 11:51 a.m.

**VI. VIDEO**

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at [basantos@rivco.org](mailto:basantos@rivco.org).

ITEM 4.0: TIME: 11:45 A.M.