



CITY COUNCIL REGULAR MEETING

**JOINT SAND CITY COUNCIL AND
SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY**

TUESDAY, FEBRUARY 4, 2025

5:30 PM

AGENDA
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT
AGENCY

City Council Regular Meeting - Tuesday, February 4, 2025
5:30 PM

THIS MEETING WILL BE HELD VIRTUALLY AND IN PERSON, IS COMPLIANT WITH ASSEMBLY BILL (“AB”) 2449, SIGNED INTO LAW ON SEPTEMBER 13, 2022, WHICH AMENDS GOVERNMENT CODE SECTION 54953 TO PROVIDE AUTHORITY FOR PUBLIC AGENCIES TO CONTINUE TO HOLD VIRTUAL MEETINGS AND REMAIN IN COMPLIANCE WITH THE BROWN ACT (GOV. CODE §§ 54950 ET SEQ.). TO PARTICIPATE IN THE ZOOM COUNCIL WEBINAR LIVE:

<https://us02web.zoom.us/j/88349100938>

Webinar ID: 883 4910 0938

**To participate telephonically by calling the number below:
(669) 900-6833**

Webinar ID: 883 4910 0938#

If prompted to enter a participant ID, press #

**TO PARTICIPATE IN PERSON:
City Hall Council Chamber
1 Pendergrass Way
Sand City, CA**

How to submit written Public Comments:

If any member of the public would like to provide written comments at the meeting, please do as set forth below.

Written: All comments received before 8:00 am the day of the meeting will be posted on the City’s website as “Correspondence” under the relevant agenda item and provided to the City Council members at the meeting. Please email your comments to: cityclerk@sandcityca.org.

Read Aloud During the Meeting: Email your comments to cityclerk@sandcityca.org. When the Mayor opens the public comment period for the relevant agenda item; please indicate the agenda item and title in your email subject line. If you want your comment read aloud, prominently write “Read Aloud at Meeting” at the top of the email and your comments will be read into the record (not to exceed three minutes at staff’s cadence).

DURING EACH MEETING, members of the public may participate by calling and speaking live during the designated time(s), subject to time limits that may be imposed pursuant to the Brown Act at the number provided above. Please use the "raise your hand" option on Zoom, and the City Clerk will call on your name.

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, AND CITY MANAGER

4. COMMUNICATIONS

Members of the public may address the City Council/Successor Agency on matters not appearing on the City Council/Successor Agency Agenda at this time for up to three minutes. In order that the City Clerk may later identify the speaker in the minutes of the meeting, it is helpful if speakers state their names. Public comments regarding items on the scheduled agenda will be heard at the time the item is being considered by the City Council/Successor Agency. The City Council Chambers podium is equipped with a portable microphone for anyone unable to come to the podium. If you need assistance, please advise the City Clerk as to which item you would like to comment on and the microphone will be brought to you.

5. CONSENT CALENDAR

The Consent Agenda consists of routine items for which City Council approval can be taken with a single motion and vote. A Council member may request that any item be placed on the Regular Agenda for separate consideration.

- 5A. Approve the City Council Regular Meeting Minutes for December 3, 2024 and December 17, 2024, and Approve the City Council Special Meeting Minutes for January 28, 2025

[Draft Minutes](#)

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

7. PRESENTATION

- 7A. Receive an Update on California Laws Enacted in 2024

[Staff Report](#)

8. PUBLIC HEARING

- 8A. First Reading of an Ordinance Amending Title 18, Zoning of the Municipal Code to Implement the City of Sand City 2023-2031 Sixth Cycle Housing Element and Provisions of the West End Overlay District and Parking Plan

[Staff Report](#)

[Ordinance](#)

9. NEW BUSINESS

- 9A. Approve a Resolution Amending the Sand City, City Council Expenses

Reimbursement Policy
[Staff Report](#)
[Resolution](#)
[Revised Expense Reimbursement Policy](#)
[Travel Expense Report Form](#)
[Current Reimbursement Policy](#)

- 9B. Approve a Resolution Amending the Sand City Personnel Manual Chapter 5, Section 5.14, Travel and Expense Policy for Employees

[Staff Report](#)
[Resolution](#)
[Travel and Expense Policy for Employees](#)
[Travel Expense Report](#)

10. COMMENTS BY COUNCILMEMBERS ON ITEMS OF INTEREST TO SAND CITY

11. ADJOURNMENT

The current agenda is available in PDF format on our website at:
www.sandcity.org

If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, which will allow you to participate in a Sand City public meeting, please call the City Clerk at (831) 394-3054 extension 220, or give your written request to the City Clerk at 1 Pendergrass Way, Sand City, CA 93955 at least 48 hours prior to the scheduled meeting to allow the City Clerk time to arrange for the requested modification or accommodation.

**AGENDA ITEM
5A.**

Approve the City Council Regular Meeting Minutes for December 3, 2024 and December 17, 2024, and Approve the City Council Special Meeting Minutes for January 28, 2025

MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT
AGENCY

City Council Regular Meeting - Tuesday, December 3, 2024
5:30 PM

As allowed by Assembly Bill AB2449, this meeting was conducted in person and by
teleconference.

Mayor Carbone called the meeting to order at 5:30 pm.

1. ROLL CALL

Present: Mayor Carbone
Vice Mayor Blackwelder
Councilmember Diaz, arrived at 5:40pm
Councilmember Hawthorne
Councilmember Sofer

Staff: City Manager Vibeke Norgaard
City Attorney Adam Lindgren, via teleconference
Planning Services, Brian Foucht and Anna Bornstein
City Clerk Kerry Lindstrom
Police Administrative Analyst Laura Morales

2. PLEDGE OF ALLEGIANCE

Councilmember Hawthorne led the Pledge of Allegiance.

3. ANNOUNCEMENT BY MAYOR, CITY ATTORNEY, AND CITY MANAGER

Mayor Carbone outlined her mayor's report, including her attendance at the Salvation Army's ribbon cutting and luncheon with Chief Honda, a presentation for school children on public government with Chief Honda, and continuing organization of the City's annual awards banquet. Upcoming events include December 6, 2024, the City tree lighting, and December 7, 2024, a beach cleanup of West Bay Street.

City Manager Vibeke Norgaard announced an emergency request from MST for permits, which city staff met within 5 days. City Manager Vibeke Norgaard announced that escrow would be closing next week on the purchase of 501 Ortiz. City Manager Vibeke Norgaard announced meeting with TAMC for feed back on the bike trail, and meeting with Congressman Jimmy Panetta's staff and the City was offered a letter of support on both the Coastal Trail Project and the Multiuse Commuter Trail.

4. COMMUNICATIONS

No public comment received.

5. CONSENT CALENDAR

No public comment received.

Upon motion by Vice Mayor Blackwelder and seconded by Councilmember Hawthorne, Council voted to approve the Consent Calendar.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz,
Hawthorne, and Sofer.
NOES: None.
ABSENT: None.
ABSTAIN: None.

- 5A. Approved the City Council Regular Meeting Minutes for November 5, 2024
- 5B. Approved the Proposed Calendar of City Council Meetings for 2025
- 5C. Approved Resolution SC 24-69 authorizing the City Manager to amend the agreement with 4Leaf, Inc. to extend the terms until June 30, 2026 and to include the addition of \$160,000 for reimbursable plan check and inspection services for the South of Tioga Project.
- 5D. Approved Resolution SC 24-70 approving a revision to the current City Council Donation Policy and approving current Fiscal Year 2024-25 donation requests.
- 5E. Approved Resolution SA 24-01 of the Sand City Successor Agency to the former Sand City Redevelopment Agency approving the Recognized Obligation Payment Schedule (ROPS 25-26) and Administrative Budget for the Period July 1, 2025 Through June 30, 2026.

6. CONSIDERATION OF ITEMS PULLED FROM CONSENT CALENDAR

No items were pulled.

7. PRESENTATION

- 7A. Assembly Bill AB413 Parking Requirements-Red Curb Assessment Presentation: Rich Deal, Traffic Engineer, 4Leaf Inc.

No public comment received.

Received Assembly Bill AB413 Parking Requirements-Red Curb Assessment Presentation from Rich Deal, Traffic Engineer, 4Leaf Inc.

- 7B. Overview of Proposed 2024-25 Water Allocation Process Presentation: David Stoldt, General Manager, MPWMD

Public comment received from James Smith.

Received overview of Proposed 2024-25 Water Allocation Process

8. PUBLIC HEARING

- 8A. First Reading of an Ordinance Amending Title 18, Zoning of the Municipal Code to Implement the City of Sand City 2023-2031 (Sixth Cycle) Housing Element and provisions of the West End Overlay District and Parking Plan ***This item was continued to January 21, 2025***
- 8B. Approve a Resolution Approving Conditional Use Permit (CUP 23-006) for the Wonderwall Boutique Hotel at 1417 Contra Costa Street

Due to a conflict of interest, those residing within 500 feet of 1417 Contra Costa Street, Vice Mayor Blackwelder and Councilmembers Diaz, Hawthorne, and Sofer, a straw draw was conducted to establish a quorum by random selection. Councilmembers Diaz and Sofer were selected. Vice Mayor Blackwelder and Councilmember Hawthorne recused themselves.

Public comment received from Richard Dole.

Upon motion by Councilmember Diaz and seconded by Mayor Carbone, Council voted to approve Resolution SC 24-71 approving Conditional Use Permit (CUP 23-006) for the Wonderwall Boutique Hotel at 1417 Contra Costa Street.

Motion carried 3-0-2, by the following vote:

AYES: Mayor Carbone, Councilmembers Diaz, and Sofer
NOES: None.
ABSENT: None.
RECUSED: Vice Mayor Blackwelder and Councilmember Hawthorne

- 8C. Approve a Resolution Approving an Application CUP/CDP 24-002 to Convert 5,431 SQ. FT. of First Floor Retail Commercial Space to Seven (7) Rental Apartments Units (600 Ortiz Avenue; APN 011-233-123; Diversyfund Inc.)

No public comment received.

Due to a conflict of interest, those residing within 500 feet of 600 Ortiz Avenue, Councilmembers Diaz and Sofer recused themselves.

Upon motion by Vice Mayor Blackwelder and seconded by Councilmember Hawthorne, Councilmembers Diaz and Sofer recused, Council voted to approve Resolution SC 24-72 approving an application CUP/CDP 24-002 to convert 5,431 SQ. FT. of first floor retail commercial space to seven (7) rental apartments units (600 Ortiz Avenue; APN 011-233-123; Diversyfund Inc.).

Motion carried 3-0-2, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, and Councilmember Hawthorne
NOES: None.
ABSENT: None.
RECUSED: Councilmembers Diaz and Sofer

9. NEW BUSINESS

- 9A. Approve a Resolution Approving a Professional Service Agreement With Event Santa Cruz to Provide Event Coordination Services for the West End Celebration in an Amount not to Exceed \$95,000 and Authorizing the City Manager to Execute Said Agreement

No public comment received.

Upon motion by Councilmember Hawthorne and seconded by Councilmember Sofer, Council voted to approve Resolution SC 24-73 approving a Professional Service Agreement with Event Santa Cruz to provide event coordination services for the West End Celebration in an amount not to exceed \$95,000 and authorizing the City Manager to execute said agreement.

Motion carried 5-0, by the following vote:

AYES: Mayor Carbone, Vice Mayor Blackwelder, Councilmembers Diaz, Hawthorne and Sofer
NOES: None.
ABSENT: None.
RECUSED: None.

10. COMMENTS BY COUNCILMEMBERS ON ITEMS OF INTEREST TO SAND CITY

Councilmember Hawthorne announced that this would be the last council meeting of his term.

City Manager Vibeke Norgaard announced there will be a swearing in of new Councilmember Michellé Adams and incumbent Councilmember Marilee Diaz at the December 17, 2024 special meeting.

11. CLOSED SESSION

City Council/Successor Agency Board to adjourn to Closed Session regarding:

No public comment received.

- 11A. Conference with legal counsel-existing litigation pursuant to GC §54956.9(d)(1). Number of cases: one. Successor Agency to the Sand City Redevelopment Agency v. Stephenshaw (Case No. 34-2022-80004053)

- 11B. Re-adjourn to Open Session to report any action taken at the conclusion of Closed Session in accordance with California Government Code section 54957.1

City Attorney Adam Lindgren reported the City Council received an update on the Successor Agency to the Sand City Redevelopment Agency v. Stephenshaw case ruling of the court's decision and gave direction to the litigation counsel to pursue an appeal of the decision.

12. ADJOURNMENT

Council adjourned the meeting at approximately 8:30 PM.

Kerry Lindstrom, City Clerk

**MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY**

City Council Special Meeting - Tuesday, December 17, 2024 4:00 PM

As allowed by Assembly Bill AB 2449, this meeting was conducted in person and by
teleconference.

Mayor Carbone called the meeting to order at 4:00 PM.

1. ROLL CALL

Present: Mayor Carbone
Vice Mayor Blackwelder
Councilmember Diaz
Councilmember Sofer

Absent: Councilmember Hawthorne

Staff: City Manager Vibeke Norgaard
City Attorney Adam Lindgren
City Clerk Kerry Lindstrom

2. COMMUNICATIONS

Public comment received from Brian Clark

3. REGULAR AGENDA

- 3A. Approve a Resolution Reciting the Fact of the General Municipal Election Held on November 5, 2024, and Declaring the Results

No public comment received.

Upon motion by Vice Mayor Blackwelder and seconded by Councilmember Sofer, Council voted 4-0-1, Councilmember Hawthorne absent, approving Resolution SC 24-74 reciting the fact of the General Municipal Election held on November 5, 2024, and declaring the results.

- 3B. Swearing in Elected Officials-Oaths of Office

Public comment received from Brian Clark.

No Council action required. Oaths of Office were administered by City Clerk Kerry Lindstrom to our elected Mayor, Mary Ann Carbone, and Councilmembers, Michelle Adams and Marilee Diaz.

4. ADJOURNMENT

Council adjourned the meeting at 4:15 PM.

Kerry Lindstrom, City Clerk

**MINUTES
JOINT SAND CITY COUNCIL AND SUCCESSOR AGENCY OF THE REDEVELOPMENT
AGENCY**

City Council Special Meeting - Tuesday, January 28, 2025 3:00 PM

**CITY COUNCIL
SITE REVIEW SPECIAL MEETING**

Meeting Location: South of Tioga Hotel Site, 800 Morgan's Way, Sand City, CA

1. CALL TO ORDER

The meeting was called to order at 3:00 PM.

Present: Mayor Carbone
Vice Mayor Blackwelder
Councilmember Adams
Councilmember Diaz
Councilmember Sofer

Staff: City Manager Vibeke Norgaard
HR/Risk Manager Audrey Cray
City Clerk Kerry Lindstrom

2. COMMUNICATIONS

No public comment received.

3. ORDER OF BUSINESS

3A. The City Council toured the South of Tioga Hotel Project Located at 800 Morgan's Way in the City of Sand City.

4. ADJOURNMENT

Council adjourned the meeting at 3:45 PM.

**AGENDA ITEM
7A.**

**Receive an Update on California Laws
Enacted in 2024**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council

FROM: Vibeke Norgaard, City Manager and Adam Lindgren, City Attorney

SUBJECT: Update on California Laws Enacted in 2024

DATE: February 4, 2025

RECOMMENDATION:

Received the report.

BACKGROUND:

This Agenda Item and report briefly summarize new California laws adopted in 2024 that are of interest to the City. Unless otherwise stated, these laws went into effect January 1, 2025. We will work closely with Council and staff in coming months to ensure compliance with these new obligations.

DISCUSSION:

The City Attorney's report will include the following laws:

HOUSING

- SB 1395 (Becker): The Interim Housing Act: Extending Homeless Shelter and Navigation Center Exemption to CEQA and Other State and Local Restrictions

CONFLICTS OF INTEREST

- AB 1170 (Valencia): Changes to Filing Rules with the FPPC
- SB 1243 (Dodd): Levine Act Campaign Contribution Restrictions: Changes to Dollar Amount and Cure Period.

BROWN ACT MEETINGS

- AB 2302 (Addis)" Teleconferencing

LAND USE

- AB 2553 (Friedman): Lower Traffic Impact fees and Expanded CEQA Exemption for Housing Development Projects Close to Major Transit Stops.

ADUs

- AB 3057 (Wilson): CEQA Exemption for Adoption of Junior Accessory Dwelling Unit Ordinances
- AB 2533 (Carrillo): Extension of Building Code Amnesty for Noncompliant ADUs and JADUs.

ENTERTAINMENT

- SB 969 Entertainment Zones (Weiner): Alcoholic Beverage Consumption.

PLANNING

- AB 2904, Quirk-Silva. Zoning ordinances: notice.
- AB 1889 (Friedman): The Room to Roam Act: Wildlife and Habitat Connectivity to be Considered in General Plan Conservation Element.
- AB 2023 (Quirk-Silva) Housing Element: Deadlines for Submittal.
- AB 2097 (Friedman): Residential, commercial, or other development types: parking requirements (2022).
- AB 413 (Lee): Vehicles: stopping, standing, and parking.

ATTACHMENTS:

1. Memorandum – Handout

5849449.1

**AGENDA ITEM
8A.**

**First Reading of an Ordinance Amending
Title 18, Zoning of the Municipal Code to
Implement the City of Sand City 2023-2031
Sixth Cycle Housing Element and
Provisions of the West End Overlay
District and Parking Plan**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and City Council

FROM: Anthony Amara, City Attorney
Anastazia Aziz, AICP, Principal – EMC Planning Group
Brian Foucht, AICP, Principal Planner – EMC Planning Group

SUBJECT: Zoning Ordinance Amendments Implementing the West End Parking Plan and Housing Element

DATE: **February 4, 2024**

A. BACKGROUND:

The City's Housing Element, which was adopted June 4, 2024 and subsequently found in compliance with Housing Element law on July 2, 2024 by the California Department of Housing and Community Development, provides that the City will continue timely and effective implementation of all programs.

B. DISCUSSION

The following listed programs are amendments to the Zoning Ordinance (referenced as Exhibit A to the Ordinance) scheduled for adoption by the end of 2024 and in 2025:

- 1.B: Density Bonus (Chapter 18.59);
- 1.D: Minimum Density increases within the MU-P District (Chapter 18.13)
- 1.J: Minimum Parking Standards - West End Parking Plan (Chapter 18.64);
- 1.K: Accessory Dwelling Units (Chapter 18.63);
- 1.M: Missing Middle Housing (Chapter 18.64);
- 1.S: Zoning Ordinance Amendments include:
 - Replacement Housing (Chapter 18.61);
 - Emergency Shelters in PF District (Chapter 18.21);
 - Low Barrier Navigation Centers in MU-P and PF Districts (Chapter 18.83);

- Residential Care Facilities in Residential Districts (Chapters 18.08, 18.10, 18.12, 18.13, 18.20, 18.21); and
- Reasonable Accommodation Procedures (Chapter 18.78)

C. RECOMMENDED EXEMPT CEQA STATUS:

1. The provisions of the ordinance will implement the City's 6th Cycle Housing Element which has been determined to be exempt from CEQA in accordance with Section 15332 (filed June 6, 2024).
2. The proposed ordinance will implement the West End Parking Plan (September 2024), a community plan exempt from CEQA consistent with Guideline Section 15183(i).
3. The proposed ordinance includes adoption of a zoning ordinance amendment for development of accessory dwelling units, which is exempt from CEQA pursuant to Guideline Section 15282(h).
4. Housing Element policies that support infill development of 138 new housing units on eight (8) opportunity sites throughout the City consistent with infill housing exemptions referenced in CEQA Guidelines Article 12.5. and Section 15332 with respect to General Plan consistency, site size of less than 5 acres within the City, availability of services, and absence of sensitive biological resources.
5. The proposed ordinance implements Density Bonus and Incentives for affordable housing mandated by Government Code Section 65915, and includes no other provisions that may result in a direct or indirect impact on the physical environment.

D. RECOMMENDATION:

Staff recommends that the City Council:

1. Conduct the public hearing and discuss the proposed Ordinance;
2. Motion to waive full reading and introduce the attached Ordinance by title only;
3. Motion to approve the First Reading of the Ordinance and to waive future reading of the Ordinance;
4. Schedule the Second Reading and adoption of the Ordinance for the next regular Council meeting.

E. ATTACHMENTS:

Ordinance Amending Title 18 Zoning: Exhibit A

CITY OF SAND CITY

ORDINANCE NO SC 25-___, 2025

**AN ORDINANCE OF THE CITY OF SAND CITY AMENDING TITLE 18, ZONING OF
THE MUNICIPAL CODE TO IMPLEMENT**

**THE CITY OF SAND CITY 2023-2031 (SIXTH CYCLE) HOUSING ELEMENT
AND
PROVISIONS OF THE WEST END OVERLAY DISTRICT AND PARKING PLAN**

WHEREAS, the City's Housing Element, which was adopted June 4, 2024 and subsequently found in compliance with housing element law on July 2, 2024 by the California Department of Housing and Community Development, provides that the City will continue timely and effective implementation of all programs including the following Housing Element Implementation programs as shown in Exhibit A:

- 1.B: Density Bonus (Chapter 18.59);
- 1.D: Minimum Density increases within the MU-P District (Chapter 18.13)
- 1.J: Minimum Parking Standards - West End Parking Plan (Chapter 18.64);
- 1.K: Accessory Dwelling Units (Chapter 18.63);
- 1.M: Missing Middle Housing (Chapter 18.64);
- 1.S: Zoning Ordinance Amendments include:
 - Replacement Housing (Chapter 18.61);
 - Emergency Shelters in PF District (Chapter 18.21);
 - Low Barrier Navigation Centers in MU-P and PF Districts (Chapter 18.83);
 - Residential Care Facilities in Residential Districts (Chapters 18.08, 18.10, 18.12, 18.13, 18.20, 18.21); and
 - Reasonable Accommodation Procedures (Chapter 18.78)

WHEREAS, the City Council has reviewed the proposed amendments to the Zoning Code, has found that the proposed amendments are consistent with goals and policies of the City's General Plan, and recommends adoption of the proposed amendments; and

WHEREAS, the City Council finds and determines that the proposed amendments to the Zoning Code are adopted pursuant to the City's police power authority to protect the public health, safety, and welfare.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAND CITY DOES
ORDAIN AS FOLLOWS:**

Incorporation of Recitals. The City Council finds that the above Recitals are true and correct and

are incorporated herein by reference.

The City Council Hereby Adopts Amendments to Title 18 of the Zoning Ordinance as shown in Exhibit A through N attached hereto and incorporated herein by reference. The amendments are adopted with redline changes accepted.

California Environmental Quality Act (CEQA) Considerations. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) for based upon the following:

1. The proposed ordinance includes adoption of a zoning ordinance amendment for development of accessory dwelling units, which is exempt from CEQA pursuant to Guideline Section 15282(h).
2. The proposed ordinance involves the adoption of development standards necessary to achieve Housing Element policies that support infill development of 138 new housing units on eight (8) opportunity sites throughout the City. The City Council finds that proposed standards will apply to development of opportunity sites consistent with applicable affordable and infill housing exemptions referenced in CEQA Guidelines Article 12.5 which exempt affordable and infill housing. The City Council further finds that ordinances will apply to infill development sites for which CEQA Guidelines Categorical Exemption Section 15332 apply with respect to General Plan consistency, site size of less than 5 acres within the City, availability of services, and absence of sensitive biological resources.
3. The City Council finds that provisions of the ordinance will implement the City's 6th Cycle Housing Element which has been determined to be exempt from CEQA in accordance with Section 15332 (filed June 6, 2024).
4. The proposed ordinance will implement the West End Parking Plan (September 2024), a community plan within the meaning of Section 15183(i), for which a Mitigated Negative Declaration has been adopted. Implementation of the plan in compliance with provisions of the plan is exempt from CEQA in accordance this Section.
5. The proposed ordinance implements Density Bonus and Incentives for affordable housing mandated by Government Code Section 65915, implementing those provisions of state law, and includes no other provisions that may result in a direct or indirect impact on the physical environment.

Severability. If any section, subsection, paragraph, sentence, clause or phrase of the Ordinance, or its application to any person or circumstance, is for any reason held to be invalid and unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Sand City and held on the on the 4th day of February, 2025; by the following vote:

AYES:

NOES:

ABSENT:

[Mayor/Chair]

ATTEST:

Kerry Lindstrom

CITY CLERK

APPROVED AS TO FORM:

[NAME]

[CITY ATTORNEY/COUNTY COUNSEL]

5847558.1

EXHIBIT A

DENSITY BONUS ORDINANCE

EXHIBIT A

Chapter 18.59 DENSITY BONUSES/INCENTIVES

§ 18.59.010 Purpose.

The purpose of this chapter is to implement the requirements of Assembly Bill 1866 (2002) and Assembly Bill 2222 (2014) requiring cities and counties to provide zoning density bonuses, and/or incentives when affordable housing is provided as part of residential developments within the meaning and standards of that legislation.
(Ord. 16-05 §12)

§ 18.59.020 Projects Qualifying for Density Bonus/Incentive.

When a housing developer of five or more dwelling units agrees to construct at least one of the following development types, a 35% density bonus and one additional incentive/concession shall be granted by the City, except as further provided in subsection E, below.

Twenty percent of the total residential units proposed for the housing development are to be provided to lower income households, as defined in Section 50079.5 of the Health and Safety Code. This generally means that the units must be affordable to persons earning 80% or less of the area median income, adjusted for family size.

A. Ten percent of the total units of a housing development are to be provided to very low income households, as defined in Section 50105 of the Health and Safety Code. This generally means that the units must be affordable to persons earning 50% or less of the area median income, adjusted for family size.

B. Fifty percent of the total dwelling units of a housing development are to be provided to qualifying residents as defined in Section 51.3 of the Civil Code. This generally means that the units must be provided to persons 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

C. Twenty percent of the total dwelling units in a condominium project are to be provided to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code. This generally means that the units must be affordable to persons earning between 81% and 120% of the area median income, adjusted for family size. If this type of development is proposed, a 10% density bonus shall be granted unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of the application.

D. If an applicant agrees to construct both 20% of the total units for lower income households and 10% of the total units for very low income households, the developer is entitled to only one density bonus and one additional concession or incentive as identified in Section 18.59.030.
(Ord. 16-05 §12)

§ 18.59.030 Incentives/Concessions.

For the purposes of this chapter, concession or incentive means any of the following:

A. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed minimum building standards. These include, but are not limited to, a reduction in setback, building coverage or parking requirements that would otherwise be required.

~~B. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.~~
~~C. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable and actual cost reductions.~~
(Ord. 16-05 §12)

§ 18.59.040 Density Bonus Calculation.

~~For the purposes of this chapter, density bonus means a density increase of at least 35%, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of residential development application to the City. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units which is equal to ten (10%), twenty (20%), or 50% of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.~~
(Ord. 16-05 §12)

CHAPTER 18.59
AFFORDABLE HOUSING DENSITY BONUS

Sections

18.59.010 Purpose.

18.59.020 Definitions.

18.59.030 Application requirements.

18.59.040 Local coastal program consistency.

18.59.050 Review process.

18.59.060 Density bonus agreement.

18.59.070 Density bonus calculations.

18.59.080 Development standards.

18.59.090 Density bonus for commercial development.

18.59.100 Interpretation.

18.59.010. Purpose.

In accordance with California Government Code Sections 65915, et seq., this Chapter specifies how compliance with State Density Bonus Law will be implemented. Specifically, the purpose of this Chapter is to provide density bonuses, incentives, concessions, and waivers of development standards for the production of housing for very low-, low-, and moderate-income households, senior households, provision of daycare facilities, student housing, and donations of

land, and for other housing types as provided by state law. In enacting this Chapter, it is also the intent of the City to implement the goals, objectives, and policies of the City's Housing Element of the General Plan.

18.59.020. Definitions.

The definitions found in State Density Bonus Law shall apply to the terms contained in this Chapter. "Replace" is defined in Government Code Section 65915 (c) (3) (A) and (B).

18.59.030. Application Requirements.

An applicant for a "housing development" as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory benefits that are provided by State Density Bonus Law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915(b), (c), (f), (g), (h) and (v), or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with State Density Bonus Law.

The granting of a density bonus, incentive, or concession, pursuant to this chapter, shall not be interpreted, in and of itself, to require a general plan amendment, development code amendment, zone change, other discretionary approval, or the waiver of a City ordinance or provisions of a City ordinance unrelated to development standards.

All requests for density bonuses, incentives, parking reductions, and waivers for a housing development shall be filed with and on a form provided by the City Manager, or designee, concurrently with the filing of the planning application for the first discretionary or ministerial permit required for the housing development, whichever permit is earliest. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.

The application shall include the required fee and the following minimum information:

A. For a requested density bonus.

1. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre, residential gross floor area and total gross floor area proposed on the site, resulting density in units per acre or floor area ratio, depending on the density definition for the land use designation and zoning applicable to the housing development site, proposed parking stalls, and unit bedroom counts and unit types for the purpose of calculating parking requirements.
2. Subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that subparagraph.

3. Where the housing development is seeking an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.
4. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
5. The zoning and general plan designations and assessor's parcel number(s) of the housing development site and, if reduced parking is requested on the basis of location, the distance to the nearest major transit stop, as defined in Section 21155 of the Public Resources Code.
6. To determine whether the project is subject to replacement requirements as described in Government Code Section 65915(c)(3), provided the following.
 - a. The total number of dwelling units existing on the site in the five (5) year period preceding the date of submittal of the application.
 - b. The total number of bedrooms in each dwelling unit existing on the site in the five (5) year period preceding the date of submittal of the application.
 - c. The total number of dwelling units that are or were subject to a recorded covenant, ordinance or law applicable to the site that restricted rents to levels affordable to very-low- or lower-income households in the five (5) year period preceding the date of submittal of the application.
 - d. The total number of occupied dwelling units and the income and household size of all residents of currently occupied units or a statement from the applicant that such information is unknown.
 - e. The total number of vacant dwelling units on the site and the income and household size of the prior residents occupying those dwelling units when the site contained the maximum number of dwelling units or a statement from the applicant that such information is unknown.
7. The phasing of the construction of the affordable housing units in relation to the nonrestricted units in the housing development.
8. A marketing plan for the affordable housing units, as well as an explanation of the methods to be used to verify tenant and/or buyer incomes and to maintain affordability of the affordable housing units. For a housing development with Five (5) dwelling units or more, the density bonus housing plan shall specify a financing mechanism for ongoing administration and monitoring of the affordable housing units.

9. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915 (g) can be met.

B. Requested incentives/concessions. Incentives and concessions are those defined by State Density Bonus Law. The number of incentives or concessions that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law Government Code Section 65915 (d)(2), as it may be amended. The application shall include the following minimum information for each incentive or concession requested, shown on a site plan (if appropriate):

1. The number of incentives/concessions the applicant is eligible for pursuant to State Density Bonus Law..
2. The City's usual development standard or other regulatory standard and the requested incentive/concession.
3. Reasonable documentation that the incentive/concession will result in identifiable and actual cost reductions.
4. Reasonable documentation that the amount of cost reduction is used to provide the affordable units at affordable house costs or affordable rents.

(Ord. 16-05 §12)

C. Requested waivers. If waivers or reductions of development standards are requested, the following minimum information for each waiver requested on each lot, shown on a site plan if appropriate:

1. The city's usual development standard and the requested development standard waiver.
2. Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with the incentive/concession permitted by Government Code Section 65915 and the waiver is no greater than necessary to reasonably accommodate the construction of such a development..

D. Parking reductions. If a housing development is eligible for a density bonus pursuant to State Density Bonus Law, the applicant may request an on-site vehicular parking ratio specified in Government Code Section 65915(p). An applicant may request this parking reduction in addition to the incentives and waivers permitted by paragraphs (B) and (C) of this subsection. The application shall include a table showing parking required by the zoning regulations, parking proposed under State Density Bonus Law, paragraph under Government Code Section

65915(p) (or other statute) under which the project qualifies for the parking reduction, and reasonable documentation that the project is eligible for the requested parking reduction.

- E. **Density bonus or incentive for a child care facility in a housing development.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
- F. **Density bonus or incentive for a condominium conversion.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

18.59.040. Local coastal program consistency.

- A. State Density Bonus Law provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Cal. Public Resources Code § 30000 et seq.), and further provides that the granting of a density bonus or an incentive shall not be interpreted, in and of itself, to require a local coastal plan amendment.
- B. For development within the coastal zone, any requested density bonus, incentive, waiver, or parking reduction shall be consistent with all applicable requirements of the certified City of Sand City Local Coastal Program, with the exception of density.

18.59.050. Application review process.

- A. All requests under State Density Bonus Law shall be part of the planning application and shall be applied for, reviewed by the City Manager, and acted upon concurrently with the planning application by the City Council, within the timelines prescribed by California Government Code Section 65950 et seq. or other applicable statute. Appeals related to administration of the subject ordinance shall be addressed in accordance with the requirements of Chapter 17.72 shall include all requests under State Density Bonus Law if appeals are authorized for the discretionary or ministerial permit applied for.
- B. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law and the Coastal Act, if applicable, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of State Density Bonus Law, as applicable:
 - 1. The housing development provides the housing required by State Density Bonus Law to be eligible for a density bonus and any concessions or incentives, parking reduction, or waivers requested.
 - 2. If applicable, the housing development provides the housing required by State Density Bonus law to be eligible for an additional density bonus under Government Code Section 65915(v)(1).
 - 3. If a concession or incentive is requested, reasonable documentation has been presented showing that any requested incentive will result in identifiable and actual cost reductions

to provide for affordable housing or costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).

4. If a waiver is requested, the development standards for which a waiver is requested would have the effect of physically precluding the construction of the housing development at the densities or with the incentives permitted.
 5. The housing development is eligible for any requested parking reductions under Government Code Section 65915(p) or other statute.
 6. If the density bonus is based all or in part on donation of land, the requirements of Government Code Section 65915(g) have been met.
 7. If the density bonus or incentive is based all or in part on the inclusion of a child care facility or condominium conversion, the requirements included in Government Code Section 65915(h) or 65915.5, as appropriate, have been met.
 8. If the housing development is in the coastal zone, the requested density bonus and any requested incentive, waiver or parking reduction is consistent with all applicable requirements of the certified Local Coastal Program.
 9. The property for which a density bonus is proposed is eligible to receive a density bonus in accordance with Government Code Section 65915 (c) (3) (A) (Replacement of moderate or lower income units).
- C. An applicant shall be ineligible for a density bonus or any other incentives or concessions under California Government Code Section 65915(c)(3)(A) if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are located or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:
1. The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in California Government Code Section 69515(b), as it may be amended.
 2. Each unit in the development, exclusive of the manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

The affordable replacement units shall be made available at affordable rent or affordable housing cost to, and occupied by, low income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

- D. The City Council shall grant a concession or incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
1. The proposed concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or
 2. The proposed concession or incentive would be contrary to state or federal law; or
 3. The proposed concession or incentive would have a specific, adverse impact upon the public health or safety or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, “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 that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.
- E. The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
1. The proposed waiver would be contrary to state or federal law; or
 2. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or
 3. The proposed waiver would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, “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 that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.
- F. If a child care center complies with the requirements of Government Code Section 65915(h), the decision-making body may deny a density bonus or incentive that is based on the provision of child care facilities only if it makes a written finding, based on substantial evidence, that the City already has adequate child care facilities.
- G. A request for minor modification of an approved density bonus housing plan may be granted by the City Manager if the modification substantially complies with the original density bonus

housing plan and conditions of approval. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

18.59.060. Density bonus housing agreement.

- A. If a density bonus, incentive, parking reduction, or waiver is approved pursuant to this chapter, the applicant shall enter into a binding affordable housing agreement or restrictive covenant, as described below, with the City, which sets forth the conditions and guidelines to be met in the implementation of State Density Bonus Law and that ensures compliance with all of the provisions of this chapter. The agreement will also establish specific compliance standards and remedies available to the City upon failure by the applicant to comply with State Density Bonus Law, this chapter, or the affordable housing agreement.
- B. For rental projects, the applicant shall enter into an affordable housing agreement with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, or their designee. The agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; shall specify the eligible occupants; shall specify phasing of the affordable units in relation to the market-rate units; and shall contain other relevant provisions approved by the City Attorney. Rents for the lower income density bonus units shall be set at an affordable rent as defined in State Density Bonus Law.
- C. For for-sale projects, the applicant shall enter into an affordable housing agreement with the City, running with the land, in a form approved by the City Attorney to be executed by the City Manager, or their designee. The affordable housing agreement shall require that, the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of very low, low, or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Government Code Section 65915(c)(2)(A)(ii), to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and shall contain other relevant provisions approved by the City Attorney, the City shall enforce an equity sharing agreement consistent with State Density Bonus Law unless it is in conflict with the requirements of another public funding source or law. The affordable housing agreement shall require the continued affordability of the for-sale units for fifteen (15) years.
- D. Where a density bonus, waiver or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager,

or their designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.

- E. The executed affordable housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development, whichever is earliest. The affordable housing agreement shall be binding on all future owners and successors in interest.
- F. An agreement pursuant to this section shall be approved as to form and content by the City Attorney and shall be recorded against the housing development project prior to final map or parcel map approval, or, where a map is not being processed, prior to issuance of any building permit for the housing development.

The agreement shall include, but not be limited to, the following:

- 1.The total number of units approved for the housing development; the number, location and level of affordability of target units and the number of density bonus units.
- 2.Standards for determining affordable rent or ownership cost for target units.
- 3.The location, unit size in square feet and number of bedrooms of target units.
- 4.Provisions as required by this section to ensure continued affordability.
- 5.A schedule for completion and occupancy of target units in relation to construction of market-rate units.
- 6.A description of any incentive/concession, waiver or reduction of development standard or modification of parking standard being provided by the city.
- 7.A description of remedies for breach by either party and the identification of any third-party beneficiary or beneficiaries eligible to enforce a breach by the applicant.
- 8.In the case of rental housing, procedures for filling vacancies, provisions requiring maintenance of records to demonstrate compliance with this division and the developer's agreement that restrictions on rents are consistent with the Costa-Hawkins Act (Civil Code Section 1954.51, et seq.).
- 9.Procedures for verifying household incomes.
- 10.Financing of ongoing administrative and monitoring costs.
- 11.Other provisions as necessary or convenient to ensure implementation and compliance with this division.

18.59.070. General provisions and density bonus calculations.

- A. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

- B. When calculating the number of affordable units needed to qualify for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.
- C. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.
- D. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one (1) development application but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in any geographic area of the housing development, including areas other than where the affordable units are located.
- E. In determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law, units added by a density bonus are not included in the calculations.
- F. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of affordable units required by State Density Bonus law. Regardless of the number of affordable units, no housing development shall be entitled to a density bonus greater than what is authorized under State Density Bonus Law.
- G. Calculation of base units. Base density will be calculated as follows:
 - 1. Where dwelling units per acre is the density standard, the base units equal the maximum allowable residential density or the project units, whichever is smaller.
 - 2. Where floor area ratio is the density standard, the base units are proportional to the number of project units and maximum allowable residential floor area, with the same ratio of project units to residential floor area, calculated as follows:
 - a. If the project residential gross floor area is less than the maximum allowable residential gross floor area, the base units equal the project units.
 - b. Where bonus FAR is less than or equal to the maximum allowable residential density in the general plan, the bonus FAR may be combined with a state density bonus.
 - c. The base units are calculated as set forth in paragraph 2. of this subsection, provided that the maximum floor area ratio may include the bonus FAR if the project otherwise qualifies for bonus FAR.
 - d. Where bonus FAR is greater than the maximum allowable residential density in the general plan, the bonus FAR cannot be combined with a state density bonus. The base units

are calculated as set forth in paragraph 2. of this subsection, provided that the maximum floor area ratio shall not include any bonus FAR.

- H. Nothing in this chapter requires the provision of direct financial incentives from the City for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.
- I. The City, at its sole discretion, may grant a proportionately lower density bonus than what is required in the State Density Bonus Law for developments that do not provide a sufficient number of affordable units to be eligible for a density bonus pursuant to State Density Bonus Law.
- J. The City Manager or designee shall have the authority to prepare, adopt and periodically update administrative guidelines consistent with this division and State Density Bonus Law.
- K. Allowed Density Bonuses. A housing development that meets one of the eligibility levels as set forth in Government Code Section 65915(b) is entitled to a density bonus calculated as referenced in Government Code Section 65915 (f).

18.59.080. Development standards.

- A. Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and for any affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction, so that the affordable units comprise the required percentage of total units.
- B. Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.
- C. To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the affordable units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

18.59.090. Density bonus for commercial development.

- A. The following definitions shall apply to Section 18.59.090:
 - 1. “Commercial development” means a development project for nonresidential and nonindustrial uses.

2. “Commercial development bonus” means modification of development standards mutually agreed upon by the City and a commercial developer and provided to a commercial development eligible for such a bonus under subparagraph (C). Examples of a commercial development bonus include an increase in floor area ratio, increased building height, or reduced parking.
 3. “Partnered housing agreement” means an agreement approved by the City between a commercial developer and a housing developer identifying how the commercial development will provide housing available at an affordable ownership cost or affordable rent consisted with subparagraph (h)(3). A partnered housing agreement may consist of the formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial developer and the housing developer are each partners, members, shareholders, or other participants, or a contract between the commercial developer and the housing developer for the development of both the commercial developer and the housing development.
- B. When an applicant proposes to construct a commercial development and has entered into a partnered housing agreement approved by the City, the City shall grant a commercial development bonus mutually agreed upon by the developer and the City. The commercial development bonus shall not include a reduction or waiver in fees imposed on the commercial development to provide for affordable housing.
- C. The partnered housing agreement shall include all of the following provisions:
1. The housing development shall be located on the site of the commercial development or on a site that is all of the following: (i) within the boundaries of the local government; (ii) on a site within the City that is within one-half mile of a major transit stop, as defined in Public Resources Code Section 21155; and (iii) is in close proximity to public amenities, including schools and employment centers.
 2. At least thirty percent (30%) of the total units in the housing development shall be made available at an affordable ownership cost or affordable rent to low-income households, or at least fifteen percent (15%) of the total units in the housing development shall be made available at an affordable ownership cost or affordable rent to very low-income households.
 3. The commercial development must agree either to directly build the affordable housing units, donate a site consistent with the requirements of Government Code Section 65915(g) for the development of the affordable housing units, or make a cash payment to the housing developer for the development of the affordable housing units.
- D. An approved partnered housing agreement shall be described in the City’s Housing Element annual report as required by Government Code Section 65915.7(k).

A Commercial Development may request and receive a Development Bonus pursuant to the provisions of Government Code Section 65915.7.

18.59.100. Interpretation.

If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this ordinance include successor provisions.

5846361.1

EXHIBIT B

ACCESSORY DWELLING UNIT

EXHIBIT B

CHAPTER 18.63 ACCESSORY DWELLING UNITS

§ 18.63.010. Purpose.

The purpose of this chapter is to allow and regulate "accessory dwelling units" and "junior accessory dwelling units" in compliance with Government Code Sections 66310 et seq. ~~65852.2 and 65852.22~~ and the requirements of this chapter those zoned areas where uses are allowed, which includes Planned Mixed Use zoned properties.
(Ord. 21-01 §1)

§ 18.63.020. Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an "efficiency unit" and a "manufactured home" as defined below.

"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

"Efficiency unit" has the same meaning as defined in Section 17958.1 of the California Health and Safety Code.

"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

"Living area" means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

"Manufactured home" has the same meaning as defined by Section 18007 of the California Health and Safety Code.

"Neighborhood" has the same meaning as defined in Section 65589.5 of the California Government Code.

"Non-conforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

"Primary dwelling unit" mean that existing primary single-family residential structure on the same property as an accessory dwelling unit or a junior accessory dwelling unit.

"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

"Public transit" means the location, including, but not limited to, a bus stop or train station, where

the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

“Qualified buyer” means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

“Qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

"Tandem parking" means two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another.

"Vacation rental" means the leasing and/or occupancy of a dwelling unit, furnished or unfurnished, for temporary periods of 30 days or less.

(Ord. 21-01 §1)

§ 18.63.030. Designation of Areas Where Accessory Units and Junior Accessory Dwelling Units Are Permitted.

Accessory dwelling units and junior accessory dwelling units shall be permitted as follows:

- A. Accessory Dwelling Units. When the standards of this chapter are satisfied, accessory dwelling units shall be allowed ministerially, without discretionary review or a hearing in all zoned areas where single-family and multifamily residential uses are allowed, including the Planned Mixed-Use zoning district.
- B. Junior Accessory Dwelling Units. Junior accessory dwelling units shall be allowed ministerially, without discretionary review or hearing, as specified by this chapter, on properties zoned for single-family dwellings and where a single-family dwelling either exists or is proposed to be built.
- C. **In existing commercial buildings in the MU-P Zone, one accessory dwelling unit and one junior accessory dwelling unit is permitted.**

(Ord. 21-01 §1)

§ 18.63.040. Number of Accessory Units and Junior Accessory Dwelling Units.

No more than one junior accessory dwelling unit and one accessory dwelling unit are permitted on a single lot with a single-family dwelling. Existing multi-family dwellings may have up to a maximum number of internal or attached dwelling units equal to twenty-five percent of the existing multi-family dwelling units. Fractions of units of one-half and above shall be rounded up. At least one accessory dwelling unit shall be permitted within an existing multi-family dwelling.

A lot with an existing multifamily dwelling may have up to eight detached accessory dwelling units, provided that the number of accessory dwelling units does not exceed the number of existing units on the lot. A lot with a proposed multifamily dwelling shall have up to two detached accessory dwelling units.

~~§ 18.63.040~~ **18.63.050. Accessory Dwelling Unit and Junior Accessory Dwelling Unit**

Standards and Approval.

- A. ~~Accessory Dwelling Unit~~—Zoning Approval. Accessory dwelling units shall be allowed by ministerial approval of a zoning compliance statement issued by the City Planner, without discretionary review or hearing in all areas of Sand City that are designated for their use as specified in Section 18.63.030, provided the requirements outlined in this chapter are met in each application. A zoning compliance statement shall be issued for an accessory dwelling unit provided there is an existing or proposed single-family or multifamily dwelling or mixed-use on the lot and provided the application for an accessory dwelling unit satisfies all of the conditions below and any other requirement(s) of this chapter.

B. Site and Development Standards.

~~The accessory dwelling unit shall not be sold or otherwise conveyed separately from the primary dwelling unit on the property, but may be rented separately from the primary residence. Notwithstanding this subsection, an accessory dwelling unit may be sold or conveyed separately from the primary residence under the limited circumstances set forth in California Government Code Section 65852.26, as it may be amended.~~

1. General.

- a. The lot or parcel on which the accessory dwelling unit is proposed is zoned for single- family or multifamily use, including the mixed-use zoning district, and includes a proposed or existing dwelling.
- b. All applicable building and fire code requirements shall apply as appropriate to detached dwellings unless otherwise specified by this chapter.
- c. Approval by the Monterey County Health Department is required where a private sewer disposal system is being used.

2. Relationship to Primary Dwelling.

- a. The accessory dwelling unit may be attached to, or within, the living area of the existing or proposed primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing dwelling, **including detached garages, for which a demolition permit would be required for the garage that is to be replaced.**
- b. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

3. Maximum Unit Size.

- a. The ~~increased~~ **total** floor area of an attached accessory dwelling unit shall not exceed 50% of the existing floor area of the existing primary dwelling, ~~provided a minimum of 800 square feet of floor area is allowed.~~
- b. **The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.**
- c. The minimum floor area square footage of either an attached or detached accessory dwelling unit shall not prohibit an efficiency unit as defined by this chapter.

- d. The square footage for an attached ~~or detached~~ accessory dwelling unit shall not exceed the following:
 - i. One thousand two hundred square feet.
 - ii. One thousand square feet for an accessory dwelling unit that provides more than one bedroom.
- e. ~~The minimum floor area square footage of either an attached or detached accessory dwelling unit shall not prohibit an efficiency unit as defined by this chapter.~~
- 4. ~~The accessory dwelling unit, either attached or detached, shall be no more than 16 feet in height and have four foot rear and side setbacks, and shall be constructed in compliance with all other City development standards not in conflict with this chapter.~~
- 5. **Height.**
 - a. **The height for an attached or detached accessory dwelling unit shall not exceed the following:**
 - i. **A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.**
 - ii. **A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the Public Resources Code. An additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit is also permitted.**
 - iii. **A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.**
 - iv. **A height of 25 feet or the height limitation of the respective zoning district that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling.**
- 6. **Property Line Setbacks.**
 - a. No setback is **shall be** required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted an accessory dwelling unit or portion of an accessory dwelling unit.
 - b. A setback of **no more than** four feet from the side and rear lot lines is **shall be** required for an accessory dwelling unit that is not converted from an existing structure or a new structure in the same location and to the same dimensions as an existing structure.
- 7. **Parking.**
 - a. ~~Parking Required.~~ Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or bedroom whichever is less.

These **Parking** spaces may be provided in tandem, including on an existing driveway or in a setback area, excluding non-driveway front setback areas.

- b. Off-street parking required for accessory dwelling units, as specified by this chapter, is permitted within the rear or side setback areas unless specific findings are made that parking in these setback areas is not feasible due to specific site, regional topographical, or fire and life safety conditions.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces shall not be required to be replaced.
- d. ~~Parking Not Required.~~ Parking for accessory dwelling units shall not be required under the following circumstances:
 - i. The accessory dwelling unit is located within one-half (½) mile walking distance of public transit, including transit stations and bus stations.
 - ii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - iii. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - iv. When a car share vehicle is located within one block of the accessory dwelling unit.
 - v. The accessory dwelling unit is located within an architecturally significant historic district.
 - vi. **When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph (d).**

§ 18.63.060. Junior Accessory Dwelling Unit Standards and Approval.

- A. ~~Junior Accessory Dwelling Unit~~—Zoning Approval. Junior accessory dwelling units shall be allowed by ministerial approval of a zoning compliance statement issued by the City Planner, without discretionary review or hearing, in all areas of Sand City that are designated for their use as specified in Section 18.63.030, provided the standards outlined in this chapter are met in each application. A zoning compliance statement shall be issued for a junior accessory dwelling unit provided there is an existing or proposed single-family dwelling on the property and the application for a junior accessory dwelling unit satisfies all of the conditions below and any other applicable requirement(s) of this chapter.
- B. **Site and Development Standards.**
 - 1. The number of junior accessory dwelling units shall be limited to one per residential lot zoned for single-family residence within a proposed or existing single-family dwelling.
 - 2. **Ownership and Occupancy.** The owner of the property shall be the occupant of either

the primary dwelling unit or the junior accessory dwelling unit on the property. Neither the primary dwelling unit nor the junior accessory dwelling unit on the property may be leased, marketed, and/or occupied separately from the other unit unless one of the aforementioned units is occupied by the owner of that property. Owner occupancy is not required if the owner is another governmental agency, land trust, or housing organization.

- a. The owner of the property shall record a deed restriction on the property with the Monterey County Recorder's Office, that shall run with the land, with a copy provided to the City, that includes the following:
 - i. A prohibition ~~on~~ **of** the sale or conveyance of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against all future landowners.
 - ii. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this chapter.
3. **Relationship to Primary Dwelling.** The junior accessory dwelling unit shall be constructed/established within the walls of a proposed or existing single-family residence, **including attached garages.**
 - a. The junior accessory dwelling unit shall provide a separate entrance independent from the main entrance to a proposed or existing single-family residence.
 - b. **If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.**
 - c. A junior accessory dwelling unit shall include an efficiency kitchen that includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation of the size of the junior accessory dwelling unit.

4. Parking.

- a. Parking is not required for junior accessory dwelling units. Parking requirements for a single family dwelling that has, or proposes, a junior accessory dwelling unit shall remain in full effect in accordance with the applicable zoning regulations for that single-family dwelling, but shall require no additional parking for the junior accessory dwelling unit.

§ 18.63.070. Architecture Review.

~~Architecture.~~ Any proposed accessory dwelling unit or junior accessory dwelling unit, whether attached or detached from the primary dwelling unit, shall utilize the same exterior architectural style, materials, and colors as the primary dwelling unit ~~to the satisfaction of the City Planner.~~ An accessory dwelling unit's height shall not exceed the height, from floor to rooftop, of the existing primary dwelling unit except to achieve the 16 foot height from grade as set forth in **Section 18.64.050** ~~subsection (A)(7) of this section.~~ The accessory dwelling unit's exterior architectural design shall be ministerially reviewed ~~and approved by the City Planner~~ prior to issuance of a

building permit. All setbacks shall meet minimum building and fire code requirements unless otherwise specified by this chapter.

§ 18.63.080. Building Permit Approval.

~~Building Permit Approval.~~ Building permits for accessory dwelling units and junior accessory dwelling units within a residential or mixed-use zone shall be approved and issued ministerially to create any of the following.

1. One accessory dwelling unit and one junior accessory dwelling unit per lot within a proposed or existing single-family dwelling if all of the following apply.
 - a. The accessory dwelling unit or junior accessory dwelling unit is within the space of a proposed or existing single-family dwelling or accessory structure. An expansion of not more than 150 square feet is allowed beyond the **same** physical dimensions of ~~an~~ **the** existing accessory structure provided the expansion is limited to accommodating ingress and egress.
 - b. The accessory dwelling unit or junior accessory dwelling unit has exterior access that is independent from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety as dictated by applicable building and fire codes.
 - d. The junior accessory dwelling unit complies with the requirements set forth in **Section 18.63.060** ~~subsection (B) of this section.~~
2. One detached, new construction, accessory dwelling unit ~~with at least a height of 16 feet and side and rear yard setbacks of at least four feet on a lot with a proposed or existing single-family dwelling as described in Section 18.63.050.~~ The accessory dwelling unit may be combined with a junior accessory dwelling unit described in **Section 18.63.060** ~~subsection (C)(1) of this section.~~
3. Multiple accessory dwelling units within portions of **existing** multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. At least one accessory dwelling unit shall be allowed within an existing multifamily dwelling; however, the number of accessory dwelling units within a multifamily dwelling shall not exceed 25% of the total number of existing dwelling units therein.
4. Not more than two accessory dwelling units, subject to a ~~height limit of 16 feet and four foot rear and side setbacks~~ **height limits and setbacks described in Section 18.63.050** that are located on a lot that has an existing **or proposed** multifamily dwelling, but are detached from that multifamily dwelling.
5. **If the existing multifamily dwelling has a rear or side setback of less than four feet, modification of the existing multifamily dwelling shall not be required as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements described herein.**
6. **Correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of a permit application for the creation of an accessory**

dwelling unit or a junior accessory dwelling unit.

(Ord. 21-01 §1)

§ ~~18.63.050~~ 18.63.090. Density Created Does Not Alter Consistency with the General Plan and Applicable Zoning District.

As provided in the state legislation allowing cities and counties to adopt accessory dwelling unit regulations, an accessory dwelling unit consistent with the standards of this chapter shall not change the density calculation of the relevant parcel and shall be considered consistent with the density limitations of the respective zoning and general plan designations of the property on which it is located.

(Ord. 21-01 §1)

§ ~~18.63.060~~ 18.63.100. Limitations on Accessory Dwelling Units.

For the purposes of creating an accessory dwelling unit, under the purview of this chapter, the following requirements and limitations shall apply.

- A. Starting January 1, 2025, the applicant for creating an accessory dwelling unit shall be the owner-occupant of the primary dwelling unit of that property.
- B. Starting January 1, 2025, when an accessory dwelling unit is newly created on the property, the owner of that property shall be the occupant of either the primary dwelling unit or the accessory dwelling unit on that property. Neither the primary dwelling unit nor the accessory dwelling unit on the property may be leased, marketed, and/or occupied separately from the other unit unless one of the aforementioned units is occupied by the owner of that property.
- C. Any accessory dwelling unit allowed under this chapter may be leased/rented, but only for terms longer than 30 days. Accessory dwelling units shall not be leased, marketed, and/or occupied as 'vacation rentals.'
- D. Starting January 1, 2025, a zoning compliance statement issued by the City Planner under Section ~~18.63.040~~ **18.63.050(A)** shall require the property owner to record a deed restriction in the official records of Monterey County, California stating that the property owner has received permission from the City to create the accessory dwelling unit and that the permission is conditioned on the occupancy requirements of this section. That deed restriction shall be recorded prior to issuance of a certificate of occupancy for the accessory dwelling unit.
- E. A certificate of occupancy for an accessory dwelling unit shall not be issued before a certificate of occupancy is issued for the primary dwelling on that same property.
- F. Fire sprinklers shall not be required for an accessory dwelling unit or a junior accessory dwelling unit if they are not required for the primary dwelling unit residence. **The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.**

(Ord. 21-01 §1)

§ ~~18.63.070~~ 18.63.110. Application Process and Timing.

Application for and approval of an accessory dwelling unit and/or junior accessory dwelling unit shall be as follows.

- A. Application Process. Prior to the establishment of an accessory dwelling unit or a junior accessory dwelling unit, an application for a "zoning compliance statement" shall be completed and submitted to the City's Planning Department for review in compliance with this chapter. Accessory dwelling units and junior accessory dwelling units shall be allowed by ministerial approval of a zoning compliance statement issued by the City Planner, without discretionary review or hearing, in all areas of Sand City that are designated for their use as specified in Section 18.63.030, provided the requirements outlined in this chapter are met in each application.
- B. Timing. A zoning compliance statement shall be issued within 60 days from the date the City receives a completed application for an accessory dwelling unit or junior accessory dwelling unit **if there is an existing single-family or multifamily dwelling on the lot, and** provided all of the applicable requirements of this chapter are satisfied. If an application for an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the same lot as the application for an accessory dwelling unit, approval of the accessory dwelling unit and/or junior accessory dwelling unit may be delayed until the application for the new single-family dwelling is acted upon; but the accessory dwelling unit and junior accessory dwelling unit will still be considered ministerially without discretionary review or hearing. If the applicant for an accessory dwelling unit or junior accessory dwelling unit makes a request for a delay, the 60 day time period for a zoning compliance statement shall be tolled for the period of the requested delay.

(Ord. 21-01 §1)

§ 18.63.080 18.63.120. Fees.

An accessory dwelling unit shall not be considered by the City to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

Fees for accessory dwelling units and junior accessory dwelling units shall apply as follows.

- A. Impact Fees. The City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionally in relation to the square footage of the primary dwelling.
- B. Plan Review and Permit Fees. Standard City fees pertaining to plan check review and building permit issuance, as adopted by City Council resolution, shall apply to all accessory dwelling units and junior accessory dwelling units.

(Ord. 21-01 §1)

§ 18.63.130. Sale of Accessory Dwelling Units.

The sale of or separate conveyance of accessory dwelling units from the primary residence to a qualified buyer shall be permitted if all of the following apply, as set forth in Government Code Section 66340.

- A. **The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.**

- B. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- C. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
- a. The agreement allocates each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.
 - b. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.
 - c. A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.
 - d. Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
 - e. If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
 - i. Delineation of all areas of the property that are for the exclusive use of a co-tenant. Each co-tenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another co-tenant, provided that the latter co-tenant's obligations to each of the other co-tenants have been satisfied.
 - ii. Delineation of each co-tenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.
 - iii. Procedures for dispute resolution among the parties before resorting to legal action.
- D. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- E. Notwithstanding Chapter 18.63.120, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

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EXHIBIT C

DEFINITIONS

CHAPTER 18.04
DEFINITIONS

§ 18.04.005. Purpose.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this title, and words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used"; and the word "shall" is mandatory and not directory. The words "section" and "article" refer to the sections and article of this code.

(Ord. 84-1 §2-1)

§ 18.04.010. Access.

"Access" means the provision of public pedestrian access from a public thoroughfare to and along the shoreline.

(Ord. 84-1 §2-2)

§ 18.04.015. Access, Bluff Top.

"Bluff-top access" means a path or trail located along the top of a coastal bluff.

(Ord. 84-1 §2-3)

§ 18.04.020. Access, Lateral.

"Lateral access" means continuous access along the beach parallel to the mean high tide line.

(Ord. 84-1 §2-4)

§ 18.04.025. Access, Vertical.

"Vertical access" means a path or trail which connects the nearest public roadway with a shoreline destination via a reasonably direct route.

(Ord. 84-1 §2-5)

§ 18.04.030. Accessory Use or Structure.

"Accessory use" or "accessory structure" means a use or structure subordinate to the principal use of a building on the same premises and serving a purpose customarily incidental to the use of the principal buildings.

(Ord. 84-1 §2-6) § 18.04.032. Affordable Housing Cost.

"Affordable housing cost" has the same meaning as defined in Section 50052.5 of the Health and Safety Code.

(Ord. 24-X)

§ 18.04.033. Affordable Rent.

"Affordable rent" has the same meaning as defined in Section 50053 of the Health and Safety Code.

(Ord. 24-X)

§ 18.04.035. Agent of Owner.

"Agent of owner" means any person who, by affidavit filed with the planning department, furnishes written proof of such agency.

(Ord. 84-1 §2-7)

§ 18.04.040. Aggrieved Person.

"Aggrieved person" means, for the purposes of a coastal development permit appeal, any person who, in person or through a representative, appeared at a public hearing of the City Council in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing informed the City Council of the nature of his or her concerns or who for good cause was unable to do either.

(Ord. 84-1 §2-8)

§ 18.04.045. Alley or Lane.

"Alley" or "lane" means a public or private right-of-way, not more than 20 feet wide, affording only secondary means of access to abutting property.

(Ord. 84-1 §2-9)

§ 18.04.050. Archaeological Resources.

"Archaeological resources" means material remains of past human life and activities. Examples of material remains are fossil relics, artifacts and monuments.

(Ord. 84-1 §2-10)

§ 18.04.055. Automobile Repair, Major.

"Major automobile repair" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; or three or more employees.

(Ord. 84-1 §2-11; Ord. 88-3 §1)

§ 18.04.060. Automobile Repair, Minor.

"Minor automobile repair" means upholstering and motor tune-up service limited to changing or supplementing of vehicle fluids and the adjustment of mechanical components to passenger cars and trucks not exceeding one and one-half (1-1/2) tons capacity, but not including any operation named under "automobile repair, major," or any other repair similar thereto; or a maximum of two employees.

(Ord. 84-1 §2-12; Ord. 88-3 §1)

§ 18.04.065. Automobile or Trailer Sales Area.

"Automobile or trailer sales area" means an open area, other than a street, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

(Ord. 84-1 §2-13)

§ 18.04.070. Automobile Service Station.

"Automobile service station" means a place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises. Repair service shall be incidental and no storage or parking space shall be offered for rent.

(Ord. 84-1 §2-14)

§ 18.04.075. Automobile Wrecking.

"Automobile wrecking" means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles for their parts.

(Ord. 84-1 §2-15)

§ 18.04.080. Bakery.

"Bakery" means a retail sales facility which offers bakery products for sale to the public and which, as an accessory use, may include the preparation of products normally sold in bakeries for sale on the premises. This use shall not permit the preparation of bakery products for sale at other locations, drive-in sales facilities or facilities that permit consumption of food on the premises.

(Ord. 84-1 §2-16)

§ 18.04.085. Beginning of Construction.

"Beginning of construction" means the incorporation of labor and material within the foundation of the building or buildings.

(Ord. 84-1 §2-17)

§ 18.04.090. Biological Survey and Habitat Protection Plan.

"Biological survey and habitat protection plan" means a field survey conducted by a qualified biologist or agency hired by the applicant and subsequent protection plan for any development proposed within a resource management zone district, a habitat preserve, or for dune relocation/restoration areas as specified in the Local Coastal Land Use Plan.

(Ord. 84-1 §2-18)

§ 18.04.095. Boardinghouse or Lodging House.

"Boardinghouse" or "lodging house" means a dwelling or part thereof where meals and/or lodging are provided, for compensation, for five or more persons not transients.

(Ord. 84-1 §2-19)

§ 18.04.100. Buffer.

"Buffer" means an area of land separating two distinct land uses, such as residential and industrial or residential and commercial, which acts to soften or reduce the effect of one land use on another. For instance, landscaping is sometimes used to buffer or reduce the effects of a commercial area on nearby residential units.

(Ord. 84-1 §2-20)

§ 18.04.105. Building.

"Building" means any structure having a roof supported by columns or walls.

(Ord. 84-1 §2-21)

§ 18.04.110. Building, Height of.

"Height of building" means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the building, excluding chimneys and other building accessories.

(Ord. 84-1 §2-22)

§ 18.04.115. Building, Main.

"Main building" means a building in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site upon which the same is located.

(Ord. 84-1 §2-23)

§ 18.04.120. Carport.

"Carport" means a covered structure used as a private garage and open on portions of at least two sides, one of which shall be for vehicle entry. All exposed internal carport wall or panel surfaces shall be finished. Any structure used, or designed for use, for the storage or shelter of motor vehicles, and not falling under this definition, shall be considered to be a garage and shall be equipped with a garage door.

(Ord. 84-1 §2-24)

§ 18.04.125. City Council or Council.

"City Council" or "Council" means the Council of the City of Sand City, California.

(Ord. 84-1 §2-25)

§ 18.04.130. Cluster Development.

"Cluster development" means a method of development in which many dwelling units are placed close together or attached, usually for the purpose of retaining another area in open space. Many condominium and townhouse developments utilize this method when they are adjacent to a natural area to be retained, or when they wish to create a focal point (such as a swimming pool or community complex).

(Ord. 84-1 §2-26)

§ 18.04.135. Coastal Bluff.

"Coastal bluff" means a natural high bank or bold headland with a broad precipice, almost perpendicular, sometimes rounded cliff face overlooking the ocean, subject to coastal erosion processes. Vertical relief must be 10 feet or more in height.

(Ord. 84-1 §2-27)

§ 18.04.140. Coastal-Dependent Development or Use.

"Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

(Ord. 84-1 §2-28)

§ 18.04.145. Coastal Development.

"Coastal development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of any structure including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, and kelp harvesting.

(Ord. 84-1 §2-29)

§ 18.04.150. Coastal Development Permit.

"Coastal development permit" means a permit for any development within the coastal zone.

(Ord. 84-1 §2-30)

§ 18.04.155. Coastal Emergency.

"Coastal emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

(Ord. 84-1 §2-31)

§ 18.04.160. Coastal Zone.

"Coastal zone" means an area within the jurisdiction of the California Coastal Act. The zone includes all of Sand City west of Highway 1, a strip of land 200 feet wide east of Highway 1, Southern Pacific Railroad's right-of-way and 100 feet west of the right-of-way.

(Ord. 84-1 §2-32)

§ 18.04.165. Coastal Zone Structure.

"Coastal zone structure" means a building or other facility including but not limited to any road, retaining wall, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission or distribution line.

(Ord. 84-1 §2-33)

§ 18.04.170. Combination Zone.

Combination zones are zones which are superimposed over other zones and which either add further requirements or replace certain requirements of the underlying zone.

(Ord. 84-1 §2-34)

§ 18.04.175. Communications Equipment Building.

"Communications equipment building" means a building housing electrical and mechanical communication equipment and the administrative staff necessary for the conduct of a public communications business and open only to personnel necessary for the operation and maintenance of such equipment and administrative functions.

(Ord. 84-1 §2-35)

§ 18.04.177. Residential Care Facility, Small.

"Residential care facility, small" means a ~~place~~ **facility providing where non-medical care and supervision is given to six or fewer individuals in need of personal services, supervision, protection or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed for residential care by the State of California. These types of facilities are subject to the same regulations as applied to single-family residential dwellings in the same zone.** ~~that are primarily mentally, physically, and/or developmentally disabled, and are in need of a supportive living environment. These facilities must be approved by the State of California, with live in supervision by State licensed individuals.~~

(Ord. 07-04)

§ 18.04.178. Residential Care Facility, Large.

"Residential care facility, large" means a facility providing non-medical care and supervision to seven or more individuals in need of personal services, supervision, protection or assistance. This classification includes hospices, group homes, sober living homes, and similar establishments, not subject to licensing. These types of facilities are permitted in all zones allowing residential uses.

§ 18.04.180. Conditional Use.

"Conditional use" means any use authorized only by a conditional use permit, as provided in this title.

(Ord. 84-1 §2-36)

§ 18.04.185. Court.

"Court" means an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

(Ord. 84-1 §2-37)

§ 18.04.190. Creamery.

"Creamery" means a retail sales facility which offers dairy products in bulk for sale to the public and which, as an accessory use, may include the making of ice cream for sale on the premises. This use shall not include drive-in sales facilities, the preparation of ice cream for sale at other locations, facilities that process or package dairy products other than ice cream, or facilities that permit consumption of food on the premises.

(Ord. 84-1 §2-38)

§ 18.04.195. Department Store.

"Department store" means a store or group of shops under unified management, selling a variety of merchandise, normally including clothing, appliances, hardware, furniture, etc.

(Ord. 84-1 §2-39)

§ 18.04.200. Design Storm Wave Run-up.

"Design storm wave run-up" means the run-up distance expected above the mean high water mark based on the design wave conditions, combining local winds and open ocean storms. The design wave shall be based on significant wave heights, which are the average of the highest 1/3 wave heights characteristic of the area.

(Ord. 84-1 §2-40)

§ 18.04.205. Distance Between Residential Structures.

"Distance between residential structures" means the shortest horizontal distance measured between the vertical walls of two residential structures, as defined in this chapter, perpendicular to an axis, midway between such walls. Regulations which limit the minimum permitted distance between structures apply only to buildings or structures that are located on a single lot or premises.

(Ord. 84-1 §2-41)

§ 18.04.210. District.

"District" means a portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. Where certain uses are required to be a specified distance from "any R district," district shall include any portion thereof designated for future residential uses in the general plan.

(Ord. 84-1 §2-42)

§ 18.04.215. Drive-In Restaurant, Refreshment Stand and Sidewalk Cafe.

A drive-in restaurant or refreshment stand is any facility where food or beverages are consumed upon the premises other than in a building or other enclosed area and where self-service by customers is permitted. A sidewalk cafe is any facility where food or beverages are consumed upon the premises other than in a building or other enclosed structure, but where table service is offered and no self-service by customers is permitted.

(Ord. 84-1 §2-43)

§ 18.04.220. Dwelling.

"Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or mobile home.

1. Single-family dwelling" means a building designed for or used exclusively for residence purposes by one family.
2. Two-family dwelling" or "duplex" means a building designed for or used exclusively for residence purposes by two families.

3. Multiple dwelling" means a building or portion thereof designed for or used exclusively for residence purposes by three or more families. (Ord. 84-1 §2-44)

§ 18.04.225. Dwelling Group.

"Dwelling group" means a group of two or more detached single, duplex or multiple dwellings, located on a parcel of land in one ownership.

(Ord. 84-1 §2-46)

§ 18.04.230. Dwelling Unit.

"Dwelling unit" means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

(Ord. 84-1 §2-45)

§ 18.04.232. Employee Housing.

"Employee housing" shall have the same meaning as defined by California Health and Safety Code Section 17008. **For the purpose of all local ordinances, employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. Use of a family dwelling for purposes of employee housing serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with California Health and Safety Code Section 17910) or local building codes.**

(Ord. 16-05 §2)

§ 18.04.235. Environmentally Sensitive Habitat Area.

"Environmentally sensitive habitat area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments.

(Ord. 84-1 §2-47)

§ 18.04.240. Essential Services.

"Essential services" means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

(Ord. 84-1 §2-48)

§ 18.04.241. Extreme Value Retail Use.

"Extreme value retail use" means and refers to a retail store offering more than 70% of a diversified inventory for \$10 or less.

(Ord. 10-01 §2)

§ 18.04.245. Family.

"Family" means one or more persons occupying a premise, and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, motel or hotel, fraternity or sorority house. ~~a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boardinghouse, lodging house, motel or hotel, fraternity or sorority house.~~

(Ord. 84-1 §2-49)

§ 18.04.250. Feasible.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(Ord. 84-1 §2-50)

§ 18.04.255. Fence or Wall.

"Fence" or "wall" means a vertical barrier which supports no load other than its own weight and which is designed to delimit an area or limit access or visibility into such area.

(Ord. 84-1 §2-51)

§ 18.04.260. Garage, Private.

"Private garage" means a detached accessory building or a portion of the principal building used only for the storage of passenger vehicles or trailers by the families resident upon the premises.

(Ord. 84-1 §2-52)

§ 18.04.265. Garage, Public.

"Public garage" means a structure or portion thereof, other than a private garage, used for the storage, sale, care, repair or refinishing of self-propelled vehicles or trailers.

(Ord. 84-1 §2-53)

§ 18.04.270. General Plan.

"General plan" means the general plan for the City as adopted by the Council, and as amended from time to time.

(Ord. 84-1 §2-54)

§ 18.04.275. Hedge.

"Hedge" means any plant, trees or shrubs planted in a continuous line to form a dense thicket or barrier.

(Ord. 84-1 §2-55)

§ 18.04.279. Homeless Shelter Use. Emergency Shelter.

"Homeless shelter use" "Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (Government Code §65582 subdivision (g) and Health and Safety Code, § 50801 subdivision (e). Emergency shelters shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

~~means an emergency shelter with a capacity as determined by the Sand City Housing Element, as may be amended from time to time, consistent with the provisions of Section 50801(e) of the California Health and Safety Code. The use provides housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.~~

~~(Ord. 16-05 §1)~~

§ 18.04.280. Home Occupation.

"Home occupation" means any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is residential in nature, is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. Such use shall not create additional traffic, require additional parking space, involve employment of persons other than domestic help, involve the use of mechanical equipment other than that necessary for normal domestic purposes, or involve the indoor or outdoor storage of materials, equipment or supplies other than that necessary for normal domestic purposes. Clinics, barbershops, cosmetology establishments, business and professional offices and retail or wholesale dealerships involving the storing of more than 50 pounds of merchandise on the premises shall not be deemed to be home occupations.

(Ord. 84-1 §2-56)

§ 18.04.283. Housing Development Project.

"Housing development project" has the same meaning as defined in paragraph (3) of subdivision (b) of Government Code Section 65905.5.

(Ord. 24-X)

§ 18.04.285. Household Pets.

"Household pets" means any domestic animal normally owned or kept as a pet, including cats, dogs, rabbits, ducks, hens, raccoons, parrots, pigeons and other animals deemed by the Council to be appropriate as domestic pets; provided such animals are confined to the limits of the residential property occupied by the owner of such pets. Household pets shall not include any animals or birds maintained for commercial purposes, whether or not such animal or bird may be appropriate as a domestic pet.

(Ord. 84-1 §2-57)

§ 18.04.290. Kennel.

"Kennel" means any premises where five or more dogs, 10 weeks in age or older, are kept.

(Ord. 84-1 §2-58)

§ 18.04.295. Laundry and Dry Cleaning Pickup Station.

"Laundry and dry cleaning pickup station" means a retail personal service facility not including dry cleaning or laundry operations on the premises; provided, however, that laundrettes and self-service dry cleaning facilities containing equipment used solely by customers, and approved by proper authority for use solely by customers, shall be included in this definition.

(Ord. 84-1 §2-59)

§ 18.04.300. Laundry, Dry Cleaning and Dyeing Plant.

"Laundry, dry cleaning and dyeing plant" means a heavy commercial facility which includes laundering, dry cleaning or dyeing, or all of such operations, on a major scale and to which customer pickup and delivery on the premises is an accessory use subordinate to the laundering, dry cleaning or dyeing operation.

(Ord. 84-1 §2-61)

§ 18.04.305. Laundry, Dry Cleaning or Dyeing Establishment.

"Laundry, dry cleaning or dyeing establishment" means a retail service facility which may include laundering, dry cleaning and/or dyeing of goods received at and picked up at such location by customers. This use shall not include major plants for the uses mentioned, or facilities in which a major portion of receipt and delivery of such goods is not through personal contact with customers.

(Ord. 84-1 §2-60)

§ 18.04.310. Local Coastal Implementation Plan.

"Local Coastal Implementation Plan" means that report, adopted by the City Council and certified by the State Coastal Commission, which describes the various administrative and legal procedures, ordinances, regulations and other actions to be pursued to carry out the Local Coastal Land Use Plan.

(Ord. 84-1 §2-62)

§ 18.04.315. Local Coastal Land Use Plan.

"Local Coastal Land Use Plan" means that report, adopted by the City Council and certified by the State Coastal Commission, which, in response to the Coastal Act of 1976 becomes part of the City's general plan and contains maps, public access component policies and other resource and land use policies and guidelines for the City's coastal zone.

(Ord. 84-1 §2-63)

§ 18.04.320. Local Coastal Program.

"Local Coastal Program" means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps and (d) other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act at the local level. The abbreviation for the Local Coastal Program is LCP.

(Ord. 84-1 §2-64)

§ 18.04.325. Lot.

"Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this title, and having frontage on or access to an improved and accepted public street.

(Ord. 84-1 §2-65)

§ 18.04.330. Lot Area.

"Lot area" means the computed area contained within the lot lines.

(Ord. 84-1 §2-65(f))

§ 18.04.335. Lot, Corner.

"Corner lot" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street right-of-way lines or the extension of such lines to a point, is the "corner."

(Ord. 84-1 §2-65(a))

§ 18.04.340. Lot Depth.

"Lot depth" means the mean horizontal distance between the front and rear lot lines.

(Ord. 84-1 §2-65(c))

§ 18.04.345. Lot, Interior.

"Interior lot" means a lot other than a corner lot.

(Ord. 84-1 §2-65(b))

§ 18.04.350. Lot Lines.

"Lot lines" means the property lines bounding a lot as follows:

1. "Exterior lot line" means any lot line separating a lot from a street to which that lot has legal access.
2. "Front lot line" means the shortest exterior lot line on any lot.
3. "Side street lot line" means any exterior lot line other than the front lot line (corner lot).
4. "Interior lot line" means any lot line not an exterior lot line.
5. "Rear lot line" means the interior lot line opposite and most distant from the front lot line.
6. "Side lot line" means any interior lot line other than the rear lot line.
7. "Alley lot line" means any lot line separating a lot from an alley.

(Ord. 84-1 §2-65(d))

§ 18.04.355. Lot Width.

"Lot width" means the mean width of the lot measured at right angles to its depth.

(Ord. 84-1 §2-65(e))

§ 18.04.357 Low Barrier Navigation Center.

“Low barrier navigation center” means a Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (Government Code §65662). This type of facility shall be permitted as a use by-right in zones where mixed uses are permitted, including nonresidential zones permitting multifamily uses.

(Ord. 24-X)

§ 18.04.358 Lower Income Households.

“Lower income households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

(Ord. 24-X)

§ 18.04.360. Major Energy Facility.

"Major energy facility" means, within the coastal zone, any public or private processing, producing, generating, storing, transmitting or receiving facility for electricity, natural gas, petroleum, coal or other source of energy for which the estimated construction costs exceed \$25,000.

(Ord. 84-1 §2-66)

§ 18.04.365. Major Public Works Facility.

"Major public works facility" means, in the coastal zone, any public works project located within an area for which coastal development permits are appealable, and that cost more than \$25,000, except where service by a public agency is required to protect life and public property from imminent danger, or to restore, repair or maintain public works, utilities or services destroyed, damaged, or interrupted by natural disaster or serious accident.

(Ord. 84-1 §2-67)

§ 18.04.370. Mobile Home

~~"Mobile home" means any standard make of trailer or mobile home equipped and constructed in such a manner as to permit permanent occupancy thereof as living quarters for a family. In general, any trailer over 17 feet in length may be considered a mobile home; provided, that such trailer complies with all applicable laws and regulations controlling the design, construction, equipment or occupancy thereof. An independent mobile home is a mobile home equipped with toilet, washbasin, and shower or bathtub and the necessary equipment to permit connection with city utility lines including water, electricity and sanitary sewer. A dependent mobile home is a mobile home that lacks any of the facilities required above in an independent mobile home.~~

~~(Ord. 84-1 §2-68) (Ord 24-X)~~

"Mobile home" includes “Manufactured home” as both are defined in California Health and Safety Code sections 18007, 18008, as may be amended.

§ 18.04.375. Motel or Motor Hotel.

"Motel" or "motor hotel" means a building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests.
(Ord. 84-1 §2-69)

§ 18.04.380. Nonconforming Use.

"Nonconforming use" means a building, structure or premises legally existing and/or used at the time of adoption of the ordinance codified in this title or any amendment thereto, which such building, structure or premises is not in full conformity with the use regulations of the district in which same is located; provided, however, that a use shall not be considered a nonconforming use solely on the basis of an inadequate number of parking spaces.
(Ord. 84-1 §2-70)

§ 18.04.381. Odd-Lot/Close-Out Retail Use.

"Odd-lot/close-out retail use" means and refers to a retail store offering the preponderance of its products at a price which is marked down more than 40% from normal retail price because the goods are irregular, or as a result of manufacturing over-production, an overflow of product shipments or manufacturers' close-outs.
(Ord. 10-01 §2)

§ 18.04.385. Office, Administrative and Executive.

"Administrative and executive offices" means those offices, organizationally part of a larger operation, which are engaged in general administration, supervision, purchasing, accounting or other management functions.
(Ord. 84-1 §2-71)

§ 18.04.390. Office, Business.

"Business office" means a place of business providing a service of general administration, including, and of the same general character as a real estate and insurance agency, accounting firm, business consultant, stenographic service, but not including wholesale or retail activities involving stock-in-trade on the premises.
(Ord. 84-1 §2-72)

§ 18.04.395. Office, Medical.

"Medical office" means an office where medical and health services are provided to individuals by physicians, surgeons, dentists, psychologists, psychiatrists, optometrists, chiropractors, licensed physical therapists and persons practicing related professions, but not including medical and dental laboratories and clinics.
(Ord. 84-1 §2-73)

§ 18.04.400. Office, Professional.

"Professional office" means an office which deals primarily in professional services such as surveying, engineering, architecture, planning and law, but not including medical offices.
(Ord. 84-1 §2-74)

§ 18.04.405. Parking Area, Private.

"Private parking area" means an open area for the same uses as a private garage.
(Ord. 84-1 §2-75)

§ 18.04.410. Parking Area, Public.

"Public parking area" means an open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

(Ord. 84-1 §2-76)

§ 18.04.415. Parking Space.

"Parking space" means a permanently surfaced area for the parking of a motor vehicle. Such space shall not measure less than eight and one-half (8-1/2) feet by 19 feet and shall contain not less than one hundred sixty-one and one-half (161-1/2) square feet, excluding paved area necessary for access and maneuvering. A compact space is eight and one-half (8-1/2) feet by 16 feet.

(Ord. 84-1 §2-77)

§ 18.04.420. Parking Layout.

"Parking layout" means the area required to maneuver and provide access to and from any parking space, driveway and aisle.

(Ord. 84-1 §2-78)

§ 18.04.425. Performance Standards.

"Performance standards" means regulations for the control of "dangerous or objectionable elements."

(Ord. 84-1 §2-79)

§ 18.04.428. Persons or Families of Low or Moderate Income.

"Persons and families of low or moderate income" has the same meaning as defined in Section 50093 of the Health and Safety Code.

(Ord. 24-X)

§ 18.04.430. Pharmacy.

"Pharmacy" means any facility used primarily for the purpose of compounding and dispensing medical prescriptions.

(Ord. 84-1 §2-80)

§ 18.04.435. Planned Unit Development.

"Planned unit development" means a form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases and a mix of building types and land uses.

(Ord. 84-1 §2-81)

§ 18.04.440. Premises.

"Premises" refers to any lot or parcel or any group of lots or parcels and all improvements thereon which are generally, but not necessarily, under single ownership. The term is inclusive rather than exclusive and shall be interpreted broadly.

(Ord. 84-1 §2-82)

§ 18.04.442. Protected Units.

“Protected units” means any of the following:

(1) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(2) Residential dwelling units that are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years.

(3) Residential dwelling units that are or were rented by lower or very low-income households within the past five years.

(4) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Government Code Section 7060) of Division 7 of Title 1 within the past 10 years.

(Ord. 24-X)

§ 18.04.445. Public and Quasi-Public Uses.

"Public uses" and "quasi-public uses" means those uses open to the general public which are maintained and supported by public or nonprofit agencies or organizations, communications equipment buildings, and other public utility facilities which are necessary to provide service to the area. Included in this category are uses of a recreational, educational, religious or cultural nature and facilities for public services such as police, fire and library.

(Ord. 84-1 §2-83)

§ 18.04.456. Qualified Buyer.

“Qualified buyer” means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

§ 18.04.457. Qualified Nonprofit Corporation.

“Qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

§ 18.04.450. Recreation, Commercial.

"Commercial recreation" means recreational facilities operated as a business and open to the general public for a fee.

(Ord. 84-1 §2-84)

§ 18.04.455. Recreation, Private, Noncommercial.

"Private noncommercial recreation" means clubs or recreational facilities, operated by a nonprofit organization and open only to bona fide members of such nonprofit organization, whether or not a fee is charged.

(Ord. 84-1 §2-85)

§ 18.04.460. Right-of-Way, Public.

"Public right-of-way" means any parcel of land which has been dedicated to, sold to, condemned by or otherwise transferred to and accepted by the City for the purpose of providing either present or future unrestricted public access to any lot, parcel or premises. A public right-of-way is any right-of-way for which the City assumes responsibility for maintenance, whether or not such right-of-way is improved to the standards of the City. In accepting a public right-of-way, the City accepts no responsibility for improving such right-of-way to a greater standard than that which prevailed at the time of such acceptance.

(Ord. 84-1 §2-86)

§ 18.04.465. Right-of-Way, Private.

"Private right-of-way" means any parcel of land the right-of-way of which has been transferred by the owner thereof to any other party, and which right-of-way is controlled by a private agreement between the grantor and grantee. A private right-of-way may or may not be recorded with the recorder of Monterey County.

(Ord. 84-1 §2-87)

§ 18.04.470. Row House.

"Row house" means a single-family attached or semi-attached dwelling unit located on a separate parcel of land in one ownership.

(Ord. 84-1 §2-88)

§ 18.04.475. Salvage or Wrecking Yard.

"Salvage or wrecking yard" means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including auto wrecking yards, house-wrecking yards, used lumber yards and places or yards for storage of salvaged materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building. The sale of used cars in operable condition, or the use of salvage materials incidental to manufacturing operations.

(Ord. 84-1 §2-89)

§ 18.04.480. Screen Fence or Screen Hedge.

A "screen fence" or "screen hedge" is a fence or hedge which restricts visibility by 75% or more. Visibility restriction is 75% or more when the ratio of opaque areas to open areas is three to one or higher. A planting of five gallon shrubs or trees of a size or species that will, within four years, restrict visibility by 75% or more to the required height, shall be allowed as a screen hedge.

(Ord. 84-1 §2-90)

§ 18.04.483. Service Commercial.

"Service commercial" uses means those uses and businesses that are establishments primarily engaged in rendering services on a fee or contract basis for all phases of building construction and maintenance; or that render services to other businesses such as advertising, employment services, management and consulting services, and protective services.

(Ord. 02-03)

§ 18.04.485. Setback.

"Setback" means the minimum allowable horizontal distance from a given point or line of reference such as a street right-of-way to the nearest vertical wall or other element of a building or structure as defined in this chapter.

(Ord. 84-1 §2-91)

§ 18.04.490. Sign.

"Sign" means any advertising display or structure.

(Ord. 84-1 §2-92)

§ 18.04.491. Single Price Retail Use and Price Point Retail Use.

"Single price retail use" and "price point retail use" means and refers to a retail store that sells merchandise with a preponderance of single pricing for all items in the store. Merchandise may be, but is not limited to, generic or private label products specially manufactured for such stores, products manufactured cheaply for a foreign market and imported, products purchased from another retailer or distributor as overstock, closeout or seasonal merchandise at the end of the season, and promotional goods manufactured to coincide with an event that has since past.

(Ord. 10-01 §2)

§ 18.04.495. Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between any floor and the ceiling next above it.

(Ord. 84-1 §2-93)

§ 18.04.500. Street.

"Street" means an improved public right-of-way more than 20 feet in width which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

(Ord. 84-1 §2-94)

§ 18.04.505. Structure.

"Structure" means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

(Ord. 84-1 §2-95)

§ 18.04.510. Structural Alteration.

"Structural alteration" means any change in the structural members of a building, such as walls, columns, beams or girders.

(Ord. 84-1 §2-96)

§ 18.04.515. Substation, Public Utility.

"Public utility substation" means a station where electric power is transformed to a distribution voltage level or where water is pumped into a local or neighborhood distribution system.

(Ord. 84-1 §2-97)

§ 18.04.517. Supportive Housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community; consistent with Health and Safety Code 50675.14.

(Ord. 16-05 §3)

§ 18.04.520. Trailer (Including Camp Trailer).

"Trailer" (including camp trailer) means any vehicle constructed in such a manner as to permit temporary occupancy thereof as sleeping quarters (i.e., camp trailer) or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets, propelled or drawn by other motive power. Camp trailers are considered structures for the purposes of this title when they are parked in a trailer camp or park.

(Ord. 84-1 §2-98)§ 18.04.525. Trailer Camp, Trailer Park or Mobile Home Park.

"Trailer camp," "trailer park" or "mobile home park" means any lot or part thereof, or any parcel of land, which is used or offered as a location for two or more camp trailers or mobile homes used for any of the residential purposes.

(Ord. 84-1 §2-99)

§ 18.04.527. Transitional Housing.

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to other eligible program recipient at some predetermined future point in time, which shall be no less than six months.

(Ord. 16-05 §4)

§ 18.04.530. Unreasonable Delays.

"Unreasonable delays" are those exceeding five minutes unless there is equipment failure.

(Ord. 84-1 §2-100)

§ 18.04.535. Usable Open Space.

"Usable open space" means an area or a series of areas on a lot of such shape or shapes that it or they can be efficiently utilized for recreation and outdoor living.

(Ord. 84-1 §2-101)

§ 18.04.538. Very Low Income Households.

"Very low income households" has the same meaning as defined in Section 50105 of the Health and Safety Code.

(Ord. 24-X)

§ 18.04.540. Visitor Serving Residential Timeshare Units.

"Visitor serving residential timeshare units" means, within the coastal zone, residential units which are sold to visitors for specified periods of time throughout the year. These units are to be interval units, in which the purchaser acquires one or more intervals, an interval usually being one or two-week periods. Permitted timeshare residential units shall be restricted to purchase in 31 -day maximum increments and to occupancy for 31 - day maximum periods.

(Ord. 84-1 §2-102)

§ 18.04.545. Water Allocation.

"Water allocation" means the total annual amount of water allocated to the City by the Monterey Peninsula Water Management District as part of the peninsula water allocation system. As a result of this City water allocation and as part of the LCP, water consumption for land uses within and outside the coastal zone were projected to ensure that the City will not exceed its current annual water allocation.

(Ord. 84-1 §2-103)

§ 18.04.550. Wire Mesh Fencing.

"Wire mesh fencing" is fence material which derives its strength from metal strands crossing in a regular pattern. Wire mesh fencing includes, but is not limited to, those materials known as chain link, Cyclone and chicken-wire fencing, but does not include ornamental iron fencing.

(Ord. 84-1 §2-104)

§ 18.04.555. Yard, Exterior.

"Exterior yard" means any yard adjacent to an exterior lot line.

(Ord. 84-1 §2-105)

§ 18.04.560. Yard, Front.

"Front yard" means an open space extending the full width of the lot measured between the building closest to the front line and said front lot line, which open space is unoccupied and unobstructed from the ground upward except as specified elsewhere in this title and which such space provides access to the principal or formal access to the main building located on such lot.

(Ord. 84-1 §2-106)

§ 18.04.565. Yard, Interior.

"Interior yard" means any yard adjacent to an interior lot line.

(Ord. 84-1 §2-107)

§ 18.04.570. Yard, Rear.

"Rear yard" means an open space extending the full width of a lot between the building closest to the rear lot line and such rear lot line, which open space is unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.

Front Yard, Least Depth, How Measured. Such depth shall be measured at all elevations from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as adopted by the City differs from that of the existing street, then the required front yard least depth shall be measured from the future right-of-way line of such streets as adopted.

(Ord. 84-1 §2-108)

§ 18.04.575. Yard, Side.

"Side yard" means an open space extending from the front yard to the rear yard between the building closest to the nearest side lot line and such lot line, which open space is unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.

Side Yard, Least Width, How Measured. Such width shall be measured at all elevations from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street, as adopted by the City, differs from that of the existing street, then the required side yard least width shall be measured from the future right-of-way line of such street as adopted.

(Ord. 84-1 §2-109)

§ 18.04.580. Zoning Map.

"Zoning map" means the zoning map of the City, together with all amendments thereto subsequently adopted.

(Ord. 84-1 §2-110)

5847689.1

EXHIBIT D

**R-1 SINGLE FAMILY
RESIDENTIAL**

CHAPTER 18.08
R-1 SINGLE-FAMILY RESIDENCE DISTRICT

§ 18.08.010. Purpose.

The purpose of the R-1 district is to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R-1 district is intended for single-family homes and the community services appurtenant thereto.
(Ord. 16-05 §5)

§ 18.08.020. Principal Permitted Uses.

Principal permitted uses in the R-1 district are as follows:

- A. Single-family dwellings.
- B. Rooming and boarding of no more than two persons.
- C. Signs not exceeding in the aggregate, six square feet in area, for each building site, may be displayed for the purpose of advertising the sale or lease of property upon which is displayed.
- D. **Mobile Homes.**
- E. Employee housing for six or fewer persons, **as defined in Chapter 18.04 of this title.**
- F. Supportive housing, as defined in Chapter 18.04 of this title.
- G. Transitional housing, as defined in Chapter 18.04 of this title.
- H. **Residential Care Facility, Small, as defined in Chapter 18.04.177 of this title.**
- I. **Residential Care Facility, Large, as defined in Chapter 18.04.178 of this title.**

(Ord. 16-05 §5)

§ 18.08.030. Accessory Uses.

Accessory uses permitted in the R-1 district are as follows:

- A. Living quarters for persons regularly employed on the premises, but not rented or otherwise conducted as a business; provided, that no kitchen facilities are provided.
 - B. Home occupations, with the issuance of a home occupation permit.
 - C. Other accessory uses, and accessory buildings customarily appurtenant to a permitted use.
- (Ord. 16-05 §5)

§ 18.08.040. Conditional Uses.

Conditional uses permitted in the R-1 district are as follows:

- A. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type; not including corporation yards, storage or repair yards and warehouses.

~~B. Licensed foster homes.~~

C. Public utility substations and public utility communication equipment buildings.

~~D. Group dwellings.~~

E. Single room occupancy (SRO) units.

(Ord. 16-05 §5)

§ 18.08.050. Height Regulations.

Height regulations permitted in the R-1 district are as follows: no principal building shall exceed 30 feet in height and no detached accessory building shall exceed 15 feet in height.

(Ord. 16-05 §5)

§ 18.08.060. Minimum Requirements.

The following minimum requirements shall be observed in the R-1 district, except where increased for conditional uses or modified herein:

- A. Minimum building site area required, 3,750 square feet; ¹
- B. Minimum building site width required, 50 feet;
- C. Percentage of building site coverage permitted, 60%;
- D. Minimum front yard setback required, five feet;
- E. Minimum side yard setback required, five feet; ¹
- F. Minimum rear yard setback required, 10 feet;
- G. Parking spaces required, two per dwelling unit (one [1] covered);
- H. Maximum driveway width, twelve and one-half (12-1/2) feet (to allow curb room for off-site parking).

(Ord. 16-05 §5)

§ 18.08.070. Other Required Conditions.

Other required conditions in the R-1 district are as follows:

- A. Site plan approval required of all conditional uses set out in Section 18.08.040.
- B. Off-street parking required for all uses as set out in this chapter, two spaces per unit to be within a two car, enclosed garage.
- C. **No required parking for supportive housing located within ½ mile from a public transit stop.**

1. Those holding single 25 foot lots, with separate owners on each side of them at the time the ordinance codified in this title is adopted, can develop them as they exist with design review. A minimum zero side yard setback will be allowed. Applicants for development on a 25 foot lot will be required to show proof of ownership by producing a recorded deed or notarized contract of sale dated prior to ordinance adoption. Change of ownership will not affect the status of a 25 foot lot if, in fact, it was a 25 foot lot prior to ordinance adoption. However, proof of such will still be necessary as described above.

D. Design control regulations apply within the R-1 district.
(Ord. 16-05 §5)

EXHIBIT E

R-1 ONE FAMILY – TWO FAMILY
RESIDENTIAL

CHAPTER 18.10
R-2 ONE-FAMILY AND TWO-FAMILY RESIDENCE DISTRICT

§ 18.10.010. Purpose.

The purpose of the R-2 district is to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R-2 district is intended for one family and two family residences and community services appurtenant thereto. (Ord. 16-05 §6)

§ 18.10.020. Principal Permitted Uses.

Principal permitted uses in the R-2 district are as follows:

- A. Single-family dwellings.
- B. Duplex or two-family dwellings.
- C. **Multi-family Manufactured Homes.**
- ~~D. Residential care facility for six or fewer persons.~~
- E. **Residential Care Facility, Small, as defined in Chapter 18.04 of this title.**
- F. **Residential Care Facility, Large, as defined in Chapter 18.04 of this title.**
- G. Employee housing for six or fewer persons, **as defined in Chapter 18.04 of this title.**
- H. Supportive housing, as defined in Chapter 18.04 of this title.
- I. Transitional housing, as defined in Chapter 18.04 of this title.
(Ord. 16-05 §6)

§ 18.10.030. Accessory Uses.

Accessory uses permitted in the R-2 district are as follows:

- A. Room and boarding of not more than one person per unit;
- B. Home occupations, with the issuance of a home occupation permit;
- C. Private swimming pools;
- D. Temporary tract offices and building yards;
- E. Other accessory uses and accessory buildings customarily appurtenant to a permitted use.
(Ord. 16-05 §6)

§ 18.10.040. Conditional Uses.

Conditional uses permitted in the R-2 district are as follows:

- A. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type; not including corporation yards, storage or repair yards and warehouses.
- B. Multifamily dwellings.
- C. Nursery schools, licensed foster homes, homes for ambulatory aged persons, and nursing or convalescent homes.
- D. Commercial parking lots.
- E. Public utility substations and public utility communication equipment buildings.
- F. ~~Group dwellings.~~
- G. ~~Mobile homes (renewable annually).~~
- H. Single room occupancy (SRO) units.
(Ord. 16-05 §6)

§ 18.10.050. Height Regulations.

Height regulations in the R-2 district are as follows: no principal building shall exceed 30 feet in height; no detached accessory buildings shall exceed 15 feet in height.
(Ord. 16-05 §6)

§ 18.10.060. Area, Lot Width and Yard Requirements.

The following minimum requirements shall be observed in the R-2 district, except where increased for conditional uses. The minimum requirements shall be those of the following that correspond with the district classification designated on the zoning map.

- A. Single-family dwellings; same as in R-1 district regulations; and
- B. Two family dwellings, designated as follows:
 - 1. Minimum lot area, 3,750 square feet;
 - 2. Mean lot width, 50 feet (interior lot);
 - 3. Mean lot depth, 50 feet (corner lot);
 - 4. Percentage of building site coverage permitted, 60%;
 - 5. Parking spaces per dwelling unit, two (one and one-half [1-1/2] covered);
 - 6. Side yard setbacks, five feet.

7. Exterior yards:
 - a. Front yard setback, five feet,
 - b. Rear yard setback, 10 feet;
 8. Driveway width, twelve and one-half (12-1/2) feet to 17 feet (to allow off-street parking).
- (Ord. 16-05 §6)

§ 18.10.070. Other Required Conditions.

Other required conditions in the R-2 district are as follows:

- A. Site plan approval by the City Council required of all conditional uses;
 - B. Off-street parking required for all uses, as above;
 - C. **No required parking for supportive housing located within ½ mile from public transit stop;**
 - D. On any corner lot, each exterior yard which abuts the front yard of an adjacent lot shall be not less than 20 feet in depth. Any other exterior yard on a corner lot may be reduced to 15 feet;
 - E. Applicable fence height limitations and other regulations relating to fences and hedges;
 - F. Design control district regulations apply.
- (Ord. 16-05 §6)

EXHIBIT F

R-3 MULTIFAMILY RESIDENTIAL

CHAPTER 18.12 R-3 MULTIFAMILY RESIDENCE DISTRICT

§ 18.12.010. Purpose.

The purpose of the R-3 district is to stabilize and protect the residential characteristics of the district and to promote, insofar as is compatible with the intensity of land use, a suitable environment for family life.

(Ord. 84-1 §7-1)

§ 18.12.020. Principal Permitted Uses.

Principal permitted uses in the R-3 district are as follows:

- A. Multiple dwellings.
- B. Single-family dwellings and duplexes, subject to all restrictions and requirements of the R-1 district.
- C. **Multi-family Manufactured Homes.**
- D. Licensed homes for ambulatory aged persons over 65 years of age.
- ~~E. Residential care facility for six or fewer persons.~~
- F. **Residential Care Facility, Small, as defined in Chapter 18.04 of this title.**
- G. **Residential Care Facility, Large, as defined in Chapter 18.04 of this title.**
- H. Employee housing for six or fewer persons, **as defined in Chapter 18.04 of this title.**
- I. Supportive housing, as defined in Chapter 18.04 of this title.
- J. Transitional housing, as defined in Chapter 18.04 of this title.

(Ord. 16-05 §7)

§ 18.12.030. Accessory Uses.

Accessory uses permitted in the R-3 district are as follows:

- A. Rooming and boarding of not more than two persons.
- B. Temporary tract offices and building yards; and
- C. Other accessory uses and accessory buildings customarily appurtenant to a permitted use.

(Ord. 84-1 §7-3)

§ 18.12.040. Conditional Uses.

Conditional uses permitted in the R-3 district are as follows. **See Chapter 18.74.025 for findings required for approval of conditional uses.**

- A. Rooming houses and boarding houses ~~and foster homes~~ for any number of guests.

~~B. Mobile homes, renewable annually.~~

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- C. Incidental services, such as restaurants and retail sales to serve residents only; provided, that there is not exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building.
- D. Social halls, lodges, fraternal organizations and clubs, except those operated for a profit.
- E. Nursery schools, licensed foster homes and homes for ambulatory aged persons.
- F. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service type, but not including corporation yards, storage or repair yards and warehouses.
- G. Commercial parking lots.
- H. Public utility substations and public utility communication equipment buildings.
- I. Single room occupancy (SRO) units.
(Ord. 16-05 §8)

§ 18.12.050. Area, Height, Lot Width and Yard Requirements.

The following minimum requirements shall be observed in the R-3 district, except where increased for conditional uses. The minimum requirements shall be those of the following that correspond with the district classification designated on the zoning map.

Single Story:	
Minimum site	3,750 sq. ft.
Dwelling units per lot (25 x 75)	1 or more
Maximum building height	16 feet
Percentage of building site coverage permitted	
1 and no bedroom unit	70%
2 bedroom unit	70%
3 or more bedroom unit	70%
Mean lot width	75 feet
Side yard setback	
2.0 stories or less	5 feet
2.5 stories or more	N/A
Distance between structures	10 feet
Front yard setback	5 feet
Rear yard setback	15 feet
Driveway width (in feet measured to sidewalk)	17 feet
Parking spaces per dwelling unit with 2 or fewer bedrooms (covered)	1.5 spaces

Parking spaces per dwelling unit with 3 or more bedrooms
(covered)

2 spaces

Single Story:

Land area per dwelling unit

1,000 sq. feet

Multi-story:

Minimum site

3,750 sq. ft.

Dwelling units per lot (25 x 75)

1 or more

Maximum building height

36 feet

Percentage of building site coverage permitted

1 and no bedroom unit

65%

2 bedroom unit

65%

3 or more bedroom unit

65%

Mean lot width

75 feet

Side yard setback

2.0 stories or less

5 feet

2.5 stories or more

10+2 feet for each story
over 2.5

Distance between structures

Two times otherwise
required minimum
interior yard

Front yard setback

5 feet

Rear yard setback

15 feet

Driveway width (in feet measured to sidewalk)

17 feet

Parking spaces per dwelling unit with 2 or fewer bedrooms
(covered)

1.5 spaces

Parking spaces per dwelling unit with 3 or more bedrooms
(covered)

2 spaces

Land area per dwelling unit

1,000 sq. feet

When more than six units are proposed, a PUD permit will be required.
(Ord. 84-1 §7-5)

§ 18.12.060. Other Required Conditions.

Other required conditions in the R-3 district are as follows:

- A. Site plan approval by the City Council is required for all construction or physical alterations in the R-3 district.
- B. All existing buildings and structures located on the property shall be brought into complete

conformity with all building and other sections of the City building code or shall be removed prior to issuance of certificate of occupancy for new construction.

- C. All structures in the R-3 district shall be constructed under requirements for condominiums as set forth in the Uniform Building Code as adopted by the City.
- D. Design control district regulations apply.
- E. **No required parking for supportive housing located within ½ mile from public transit stop.**

(Ord. 84-1 §7-6)

EXHIBIT G

MU-P PLANNED MIXED - USE

CHAPTER 18.13 MU-P PLANNED MIXED USE DISTRICT

§ 18.13.010. Purpose.

The purpose of the MU-P district is to (a) implement the Sand City General Plan land use policies relating to the mixed use classification illustrated on the General Plan Diagram; (b) encourage development and redevelopment of mixed residential, commercial, and light-industrial uses that ensure land use compatibility; (c) encourage the creation of living wage jobs; (d) provide for the continued availability of light manufacturing and commercial businesses; (e) provide opportunities for office development where it will not unduly interfere with light manufacturing and commercial uses; (f) allow on-site ancillary retail uses to maintain and enhance the economic viability for manufacturers, artists and artisans in the district; **and** (g) allow buildings and site areas where living and working environments can be combined in an effort to reduce work commutes and provide for a more lively area of town; ~~and (h) establish a conditional use permit procedure for all new and proposed commercial, light industrial and residential uses within the district to insure land use compatibility and real estate marketability.~~

(Ord. 16-05 §9)

§ 18.13.020. Principal Permitted Uses.

Principal permitted uses in the MU-P district are:

- A. All legal businesses and uses existing within the MU-P district at the time of the adoption of the ordinance codified in this chapter shall be considered permitted uses, but only on the sites they currently occupy. All businesses and uses within existing conditional use permits at the time of the adoption of said ordinance shall be allowed to continue as a use permitted by conditional use permit, and only on the site they currently occupy. Expansion of any of these uses beyond their current locations will require conditional use permit approval by the City and will be subject to the MU-P development standards and land use compatibility requirements.
- B. Expansion of existing commercial and industrial uses on-site or substantial remodeling or renovation resulting in more than a 25% increase in floor area or building coverage shall require the issuance of a conditional use permit and will subject the entire commercial or industrial use to the current site development standards of the MU-P district.
- C. **Multiple dwellings, mixed-use, and planned unit development projects that meet any of the following criteria shall be permitted by-right, subject only to a site development permit:**
 - a. **Housing projects with four or fewer units; OR**
 - b. **Housing projects with five or more units where at least 15% of the units are affordable to lower-income households.**
- D. Employee housing (**serving six or fewer persons**), transitional housing, and supportive housing shall be considered permitted uses **by-right, subject only to a site development permit and permits similar to other uses of the same type in the same zone.** ~~but only where residential uses have been approved by discretionary use permit.~~ Employee, transitional, and supportive housing shall all mean as defined in Chapter 18.04 of this title.

- E. **Residential care facilities (small and large) shall be considered a permitted use by-right subject only to a site development permit and permits similar to other uses of the same type in the same zone. Residential care facility shall mean as defined in Chapter 18.04 of this title.**
- F. **Low barrier navigation centers shall be considered a permitted use by-right. Low barrier navigation center shall mean as defined in Chapter 18.04 of this title.**

(Ord. 16-05 §9)

§ 18.13.030. Accessory Uses.

Accessory uses in the MU-P district are those uses integrated with, but subordinate to, a permitted or conditional use.

(Ord. 16-05 §9; Ord. 17-02 §1)

§ 18.13.040. Conditional Uses.

Conditional uses, subject to the issuance of a conditional use permit from the City Council are:

- A. Public or quasi-public uses;
 - B. Commercial recreation;
 - C. Light-manufacturing;
 - D. Live/work units at a density no greater than one unit per 1,875 square feet of lot area;
 - E. Art/craft studios;
 - F. Laboratories, motion picture studios, recording studios, radio/television broadcast stations, photo processing/printing;
 - G. Open air markets;
 - H. Brew pubs, wine tasting;
 - I. Retail establishments;
 - J. Restaurants, food service, food take out;
 - K. Bakeries, catering commercial kitchens;
 - L. Service, commercial;
 - M. Hotels, motels, inns;
 - N. Medical and professional offices;
 - O. Single-family and multifamily development at densities no greater than established by this chapter;
 - P. Any other use the City Council finds to be consistent with the goals and policies of the Sand City General Plan and the purposes of this zoning district;
 - Q. Single room occupancy (SRO) units.
- (Ord. 16-05 §9; Ord. 17-02 §2)

§ 18.13.050. Area and Setback Requirements.

Area and setback requirements in the MU-P district are as follows:

- A. No parcel or lot created after January 17, 1984, shall have an area of less than 3,750 square feet; provided, however, that the minimum land area of a parcel or lot in the MU-P district created on or before January 17, 1984, and improved with a single-family residence shall be 1,875 square feet.
- B. Minimum front yard setback: **6 feet. Exception: At grade patios, porches or stoops are permitted within the setback area.** ~~as approved by site plan review of the City Council.~~
- C. Minimum side and rear yard setbacks: **6 feet.** ~~as approved by site plan review of the City Council.~~

(Ord. 16-05 §9)

§ 18.13.060. Other Required Conditions.

- A. Applicable fence height limits and other regulations as contained in Sections 18.62.050 and 18.62.060.
- B. Site plan approval by the City Council is required for all construction and physical site alterations in the MU-P district.
- C. On-site parking and loading facilities required for all uses, as provided in Chapter 18.64. Dwelling unit density may be restricted beyond that allowed by this chapter if insufficient off-street parking is not provided to meet Chapter 18.64.
 - 1. **Notwithstanding Chapter 18.64, parking shall not be required for residential developments that include affordable senior units, disabled housing units or units within ½ mile of a major transit stop, as set forth in Government Code Section 65863.2.**
- D. Height Limitations. Maximum 60 feet, including roof equipment, but subject to discretionary limitation of less than 60 feet in the approval of land entitlement permits. Maximum allowable building heights shall be based upon a mean average of the sum of a building's height of all building elevations at final grade. Buildings exceeding 60 feet in average height shall be subject to discretionary conditional use permit approval and must satisfy, at a minimum, all of the following findings; but under no circumstances shall any height exceed 85 feet.

Findings:

- 1. That segment of a building exceeding 60 feet is atop integrated structured parking below, effectively reducing the amount of open ground sprawled parking that would otherwise be necessary for Title 18 compliance with applicable off-street parking requirements.
- 2. That section of rooftop exceeding the 60 foot limit does not do so along the entire roofline, whereby the roof-line varies, oscillates, and/or staggers in height, but does not exceed more than 85 feet at its highest point.
- 3. All windows and other reflective surface on any segment of a building over 60 feet in height shall incorporate a non-reflective glazing or other similar material/treatment to mitigate glare and reflections.

4. Any project exceeding 60 feet in height shall be subject to a comparability determination by the Airport Land Use Commission, and receive approval by that Commission prior to City approval of such a project.

Exceptions to Height Limitations. Height limitations stipulated in this chapter may be granted exceptions, subject to conditional use permit approval, for the following: one story cupolas and domes, chimneys, flagpoles, open rooftop decks, rooftop stairway and elevator penthouses/access, vertical antennae, rooftop equipment screening, solar collection devices, and green roof elements.

- E. Design Review Regulations Apply.
- F. A coastal development permit shall be required for all construction and physical site alterations in the MU-P district where a site designated as MU-P also falls within the coastal zone boundaries of the City. In such cases, these areas shall be shown on the zoning map as CZ-MU-P, and uses within this area shall be subject to the limitations of Chapter 18.26.
- G. In order to determine if proposed new businesses and residential uses within the MU-P district are compatible with ambient conditions, the following additional submissions may be required as part of the conditional use permit, coastal development permit, or site plan review process: (1) material safety data sheets; (2) fire department approval and agreement to annual inspections if hazardous materials are involved with the proposed use; and (3) an acoustical analysis by a licensed acoustical engineer. Above-standard sound proofing may be required to insure compatibility with nearby or planned residential uses.
- H. Housing Density. **The MU-P District shall allow a minimum of 20 dwelling units per acre and a maximum of 81 dwelling units per acre.** ~~The maximum number of residential dwelling units allowed within this MU P District shall be in accordance with the density specifications as follows:~~
 1. ~~Residential development shall be at a density not to exceed one dwelling unit per 1,875 square feet of consolidated development area. Development areas, consisting of existing lots or newly consolidated and merged lots, equal to or greater than 9,375 square feet are considered better suited for progressively increasing residential unit densities, and may be discretionarily granted density bonuses by the City Council as follows:~~
 - a. ~~Existing lots or newly consolidated merged lots of 9,375 square feet to 16,874 square feet may be granted up to a maximum 25% density bonus.~~
 - b. ~~Existing lots or newly consolidated merged lots of 16,875 square feet to 24,374 square feet may be granted up to a maximum 50% density bonus.~~
 - c. ~~Existing lots or newly consolidated merged lots of 24,375 square feet to 31,874 square feet may be granted up to a maximum 75% density bonus.~~
 - d. ~~Existing lots or newly consolidated merged lots of 31,875 square feet to 35,624 square feet may be granted up to a maximum 100% density bonus.~~
 - e. ~~Existing lots or newly consolidated merged lots of 35,625 square feet to 39,374 square feet may be granted up to a maximum 150% density bonus.~~
 - f. ~~Existing lots or newly consolidated merged lots of 39,375 square feet to 43,124~~

~~square feet may be granted up to a maximum 200% density bonus.~~

~~g. Existing lots or newly consolidated merged lots of 43,125 square feet or more may be granted up to a maximum 250% density bonus.~~

2. All density calculations resulting in fractional units shall be rounded to the nearest whole number.
3. Residential densities allowed under this chapter shall be restricted and limited by a consolidated lot's ability to provide minimum required off-street parking in accordance with Chapter 18.64 of this title, to the satisfaction of the City Council.
4. Density restrictions of this chapter shall not impede application of density bonuses/incentives as specified by Chapter 18.59 of this title.
5. Residential units built and existing per the housing density bonuses of this chapter may be reclassified, subdivided and recorded as individual residential condominium units, subject to City approval and recording of relevant covenants, conditions, and restrictions (CC&Rs) documentation and related parcel map(s) to that effect; without consequence to the number of units that were originally granted per the terms of this chapter, provided that such reclassification does not increase the number of residential units existing at that time.

(Ord. 16-05 §9; Ord. 17-02 §§3—5)

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EXHIBIT H

M-MANUFACTURING

CHAPTER 18.20
M-MANUFACTURING/INDUSTRIAL DISTRICT

§ 18.20.010. Purpose.

The purpose of the M district is to provide land for a wide range of manufacturing, wholesale and other industrial-related activities. The M district would accommodate those uses where noise, glare, outdoor storage, heavy trucking and rail operations and other similar factors are common and which should be set off from other activities, particularly residential, which would be adversely affected by these characteristics.

(Ord. 84-1 §11-1)

§ 18.20.020. Principal Permitted Uses.

Principal permitted uses in the M district are as follows:

- A. Manufacture, processing, storage and packaging of food, concrete, asphaltic concrete, sand, gravel and storage of petroleum - based products.
- B. Fish and meat packing.
- C. Wholesaling, storage, warehousing and heavy equipment storage.
- D. Printing, publishing and bookbinding plants.
- E. Railroad terminal facilities, truck depots.
- F. Public utility buildings and substations.
- G. Uses appurtenant to a permitted use such as offices, storage, repair and maintenance.
- H. Existing residential units shall remain as conforming uses in the M district, and will be allowed accessory uses, buildings and mobile homes as deemed appropriate by the City Council. Site plans will be required for all construction or physical alterations in the M district.
- I. **Transitional housing as defined in Section 18.04.527.**
- J. **Supportive housing as defined in Section 18.04.517.**
- K. **Residential Care Facility, Large, as defined in Chapter 18.04 of this title.**

(Ord. 84-1 §11-2)

§ 18.20.030. Conditional Uses.

Conditional uses permitted in the M district are as follows:

- A. Public and quasi-public uses appropriate in the M district.
- B. Retail commercial uses such as restaurants and service stations necessary for service to uses within the district.

- C. Any other manufacturing/industrial uses deemed appropriate for the M district by the City Council.
- D. Other manufacturing, assembly, processing and packaging or other industrial operations when, in the determination of the Council, all resulting dust, dirt, cinders, fumes, gases, smoke and odor shall be confined effectively to the premises or so disposed of as to avoid air pollution, and where any noise, vibration or flashing is not normally unreasonable.
- E.
 - 1. Allow construction of secondary rental units as part of new commercial and industrial developments and as part of existing residential units after City review per the following criteria:
 - a. Limit amount of residential square footage per commercial/industrial square footage so no more than 50% of the total commercial/ industrial square footage shall be residential;
 - b. Limit maximum size of a secondary unit, such as to 650 square feet;
 - c. Require that the residential unit be suitable for living with regard to all health and safety requirements, noise conditions of surrounding uses, etc.;
 - d. Acknowledge priority of commercial/industrial uses by requiring that a statement be issued to potential renters advising them of potential nuisances of surrounding uses, and that subsequent complaints may not be valid. The statement will be provided by the City;
 - e. At least one parking space per unit is provided and any traffic concerns addressed. The parking requirement may be waived for one unit if dual parking use is feasible;
 - f. Projects will be evaluated on a case-by-case basis, utilizing these criteria.
 - 2. As an incentive allow a waiver of development tax, plan check and building permit fees up to \$2,000 for construction of a secondary residential rental unit. Require that secondary units be used for rental purposes only. Require a minimum five year residential rental period through deed restriction if a waiver of fees has been granted by the City.

(Ord. 84-1 §11-3)

§ 18.20.040. Uses Prohibited in the M District.

Uses prohibited in the M district are as follows:

- A. Production of coal, coke and tar.
- B. Production of dry fertilizers, gelatine, animal glue and sizing.
- C. Production of turpentine, matches and paint.

- D. The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products such as kerosene, gasoline, naphtha and lubricating oil; distillation of wood or bones; or tanning of raw, green or salted hides of skins.
- E. Stockyards, slaughterhouses.
- F. Storage of fireworks or explosives.
(Ord. 84-1 §11-4)

§ 18.20.050. Other Required Conditions and Provisions.

Other required conditions and provisions in the M district are as follows: applicable fence height limits and other regulations relating to fences and hedges are contained in Sections 18.62.050 and 18.62.060.

Site plan approval is required for all construction or physical alterations in the M district. The City Council shall consider architectural style and landscape treatment as a condition of site plan approval.

(Ord. 84-1 §11-5)

§ 18.20.060. Development Standards.

Development standards in the M district are as follows:

A. Off-Street Parking and Loading Requirements.

1. Off-street parking and loading requirements are contained in Chapter 18.64;
2. Where a building located in the manufacturing district is to be used for a nonmanufacturing operation such as, but not limited to, wholesale and storage uses, parking for a more intense manufacturing use shall be provided on-site or at another off-street location thereto at the time of conversion to such a use.

B. Area and Yard Requirements.

Minimum Area	3,750 square feet
Yards:	
Front*	20
Rear and Side	zero
Floor Area Ratio	1.0

Notes:

- * Corner lot setbacks are subject to review by the City Council.

Covered or uncovered loading docks may be located within required yards.

- C. Existing Nonconforming Uses. Those uses existing at the time of enactment of the ordinances codified in this title, which are nonconforming in nature may continue in operation. A building that is dimensionally nonconforming in a specific yard or yards may be expanded into that yard or yards to the extent of existing nonconformance; provided, that occupants of such a building shall file a site plan of their entire property showing all buildings then existing thereon with the first application for expansion thereof following enactment of this section.
- D. Design control district regulations apply.
- E. Height requirement: maximum 75 feet.

EXHIBIT I

PF – PUBLIC FACILITIES

CHAPTER 18.21
PF PUBLIC FACILITIES DISTRICT

§ 18.21.010. Purpose.

The PF, public facilities, district is intended to accommodate governmental public utility, educational and community service or recreational facilities. The PF district is to be applied to existing public facilities as identified by the general plan and other areas where deemed appropriate.

§ 18.21.020. Permitted Uses.

Permitted uses in the PF district are as follows:

- A. All facilities owned or leased and operated or used by the City of San Diego, the County of San Diego, the State of California, the government of the United States, and/or the San Diego Unified School District.
- B. ~~Homeless shelters~~ **Emergency shelters** as defined in Section 18.04.279.
- C. **Transitional housing as defined in Section 18.04.527.**
- D. **Supportive housing as defined in Section 18.04.517.**
- E. **Low barrier navigation centers as defined in Section 18.04.356.**
- F. **Residential Care Facility, Large, as defined in Chapter 18.04 of this title.**

(Ord. 16-05 §10)

§ 18.21.030. Conditional Uses.

The following uses may be conditionally allowed in the PF district, subject to issuance of a conditional use permit in accordance with Chapter 18.74 of this title:

- A. Facilities of all public utilities, as defined in the Public Utilities Code of the State, and corporations or other organizations whose activities are under the jurisdiction of the Federal Communications Commission or the Interstate Commerce Commission.
- B. Private educational facilities.
- C. Day care centers.
- D. Business or trade schools.
- E. Outdoor recreation services.
- F. Churches, lodges and assembly halls.
- G. Any other use which the City Council finds to be of a similar nature to permitted or conditional uses specified in this chapter for the PF zoning district.

§ 18.21.040. Minimum Requirements.

The following site development regulations shall apply in the PF district:

- A. Minimum lot area: 3,750 square feet.
- B. Maximum building coverage: 60%.
- C. Minimum setbacks: as determined by site plan review and approval by the City Council or the Design Review Committee for lots within the East Dunes Planning Area.
- D. Maximum height: three stories of 35 feet.
- E. Parking requirements: As specified in Chapter 18.64 of this title.
- F. Areas used for outdoor storage shall meet the minimum design standards applicable to off-street parking facilities with respect to paving, grading, drainage, access to public streets, safety and protective features, lighting, landscaping and screening.
- G. Signs shall be regulated as specified in Chapter 18.66 of this title.

§ 18.21.050. Other Required Conditions.

A design permit and site plan review shall be required for all new construction and significant remodeling of existing structures within the PF zoning district, **with the exception of emergency shelters. Emergency shelters shall be permitted by-right, requiring only site plan review.**
(Ord. 16-05 §11)

EXHIBIT J

HOUSING REPLACEMENT

CHAPTER 18.61
HOUSING REPLACEMENT REQUIREMENTS

§ 18.61.010. Purpose.

The purpose of this chapter is to prevent the loss of housing units and the displacement of lower-income households pursuant to California Government Code Sections 66300.5 – 66300.6 and 65915.
(Ord. 24-X)

§ 18.61.020. Definitions.

“Affordable housing cost” has the same meaning as defined in Section 50052.5 of the Health and Safety Code.

“Affordable rent” has the same meaning as defined in Section 50053 of the Health and Safety Code.

“Equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

“Housing development project” has the same meaning as defined in paragraph (3) of subdivision (b) of Government Code Section 65905.5.

“Persons and families of low or moderate income” has the same meaning as defined in Section 50093 of the Health and Safety Code.

“Lower income households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

“Protected units” means any of the following:

(1) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(2) Residential dwelling units that are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years.

(3) Residential dwelling units that are or were rented by lower or very low-income households within the past five years.

(4) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Government Code Section 7060) of Division 7 of Title 1 within the past 10 years.

“Very low income households” has the same meaning as defined in Section 50105 of the Health and Safety Code.
(Ord. 24-X)

§ 18.61.030. Replacement Housing Requirements and Occupant Protections.

This section shall apply only to housing development projects that on or after January 31, 2025 submit a complete application or a complete set of building plans for plan check and permit to the Planning Department, along with any associated submittal fee or (2) on or after the effective date of this section, receive an approval of a complete application that was submitted to the Planning Department.

Replacement requirements and occupant protections:

- A. The City shall not approve or issue a building permit for a housing development project that will require the demolition of one or more residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.**
- B. The City shall not approve or issue a building permit for a housing development project that will require the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years, unless the housing development project meets all of the requirements of California Government Code Section 66300.6.**

(Ord. 24-X)

5848183.1

EXHIBIT K

PARKING

CHAPTER 18.64 PARKING AND LOADING AREAS

§ 18.64.010. Off-Street Loading Spaces Required.

A. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 2,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, laundry, dry cleaning or other use similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space to be used exclusively for such purpose for each 5,000 square feet of gross floor area so used; provided, that not more than two such loading spaces shall be required unless such gross floor area exceeds 80,000 square feet, in which case there shall be provided one additional loading space for each 40,000 square feet or major fraction thereof in excess of 8,000 square feet.

B. Each loading space shall be not less than 12 feet in width, 40 feet in length and 16 feet in height, and shall be clearly marked for this use. Buildings of 3,000 square feet or less will be allowed a length reduction of 10 feet and allowed to use a portion of the building interior.

(Ord. 84-1 §32-16(a))

§ 18.64.020. Off-Street Parking Spaces Required—Generally.

At the time of erection of any building or structure in connection with any use in any district, adequate on-site parking shall be provided as required by this chapter. At the time that any building or structure is enlarged or increased in capacity by adding floor area or seats or at the time any such building is changed in use so that the new use requires more parking spaces under these regulations than the former use, additional parking shall be provided to the extent required for such new construction, enlargement, increased capacity or change in use. Adequate provision for ingress and egress shall be made, and the parking space shall thereafter be maintained in good condition. Nothing herein, however, shall be interpreted to require the provision of additional parking for buildings or structures that have remained, or are, idle or vacant unless such buildings or structures are enlarged, increased in capacity or changed in use. Parking provided in any area reserved for future street widening by an official plan line shall not be deemed to meet the requirements of this chapter.

(Ord. 84-1 §32-16(b)(1))

§ 18.64.030. Off-Street Parking—Alternate Methods.

If the required off-street parking for any use cannot be provided on the same parcel on which the use is located because of the size or shape of the parcel or by determination of the City Council, ~~or City Manager with City Council approval~~, then the required parking may be provided on other property under the following circumstances and conditions:

A. The parking shall be set aside from other parking on the same premises and shall be clearly marked for the exclusive use of the customers and employees of the use for which it is provided.

B. Signs showing the availability and location of such parking shall be placed on the parcel on which the use is located.

C. The parking shall be developed, improved and maintained in accordance with the requirements of Section 18.64.060.

D. The parking shall be developed in accordance with the local coastal program and coastal zone regulations, if applicable, or the parking may be provided by in-lieu fee as established herein by this Chapter (Section 18.64.090 – 18.64.140.).

(Ord. 84-1 §32-16(b)(2))

§ 18.64.040. Off-Street Parking—Size and Access.

Each off-street parking space shall be of usable shape, arrangement and condition and shall be not less than eight and one-half (8-1/2) feet by ~~19~~ **17** feet measured along the angle of parking and a compact parking space eight and one-half (8-1/2) feet by ~~16~~ **15** feet. A maximum of ~~50%~~ **65%** of the parking shall be for compact cars in the **mixed-use**, commercial, and industrial districts. Parking areas shall be suitably paved, drained, lighted and appropriately planted and fenced for the protection of adjacent properties in accordance with specifications of the City and shall be arranged for convenient access, egress and safety of vehicles and pedestrians. ~~All circulation within a parking lot shall be internal and shall not be dependent upon a public right of way although alleys may be used.~~ Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than 10 feet in width in the case of a single dwelling, and not less than 20 feet in width in all other cases, leading to the required parking, storage or loading. There shall be a driveway to any enclosed garage or other enclosed structure provided for the parking of a motor vehicle.

(Ord. 84-1 §32-16(b)(3); Ord. 17-04 §24)

§ 18.64.050. Off-Street Parking—Number of Spaces Required.

The number of off-street parking spaces required shall be as set forth in this section. In applying these requirements, the term "floor area" means the total floor area within the exterior walls of any building or structure.

The City Manager shall use these requirements as a guide in determining the appropriate number of off-street parking spaces required for the use.

A. Adult Education Institution, one space for each 25 square feet of classroom area.

B. Animal Day-Care or Lodging/Animal Hotel, subject to discretionary use permit conditions.

C. Artist Studio/Workshop, one space per 700 square feet.

D. Artist/Live-Work, one space per live-work unit.

E. Art Gallery / Showroom, one space per 500 square feet of gross floor area.

F. Assembly

1. Religious Assembly or Churches, one space per 4 seats or 18-inches of linear bench/pew in the auditorium;

2. Performance Theater or Dancehalls, one space per 4 seats, or one space per 250 square feet when no seats are provided.

A. H. Automobile or Machinery Sales and Service Garages.

1. Machinery sales, one space per 500 square feet of floor area;
2. Automotive ~~repair~~, ~~five~~ three spaces per bay or working area, with a minimum of ~~10~~ 5 spaces. No bay or service area may itself be used to satisfy this requirement;
3. ~~Automotive repair, minor, four spaces per bay or working area, with a minimum of five spaces. No bay or working area may itself be used to satisfy this requirement;~~
4. ~~3.~~ Automotive parts and accessories, ~~sales and service~~ retail, one space per ~~250~~ 350 square feet of floor area.

I. Automobile Sales, subject to discretionary use permit conditions.

J. Banks ~~and post offices~~, one space per ~~200~~ 500 square feet of floor area.

1. Automated Teller Machine (ATM) Kiosk (Outside Only), two spaces per ATM, unless the ATM is drive-through — in which case no parking spaces would be included.

K. Business, and ~~P~~professional ~~O~~offices, and Broadcast Studios, other than medical or dental offices, one space per ~~200~~ 350 feet of floor area.

L. Churches, ~~one space for each six seats in the auditorium or one space for each 15 classroom seats, whichever is greater.~~ Refer to “Religious Assembly”.

M. Contractor Yard or Shop, one space per 700 square feet of building.

N. Dancehalls and assembly halls without fixed seats, exhibition halls ~~except church assembly rooms in conjunction with auditorium~~, one space for each 100 square feet of floor area used for assembly or dancing. Refer to “Assembly Halls”.

O. Dwellings, single-family and duplex, ~~two spaces per dwelling unit. Single family is required to have one of those spaces covered, duplexes, one and one half (1 1/2).~~ Refer to “Residential Uses”.

Q. Dwellings, multiple (apartments, condominiums, or other multiple family developments), one and one half (1 1/2) covered parking spaces per unit of which at least one parking space per unit shall be covered for units of zero through two bedrooms; two spaces per unit for units of three or more bedrooms, of which at least one parking space per unit shall be covered. Refer to “Residential Uses”.

R. Dwellings, mobile and manufactured homes (mobile homes), ~~two per unit (one covered).~~ Refer to “Residential Uses”.

U. Eating Establishments

- 1. Bakeries with On-site Dining, one space per 250 square feet;**
- 2. Commercial Bakeries/Kitchens (no on-site service), one space per 700 square feet;**
- 3. Fast Food, one space per 125 square feet;**
- 4. Restaurants, one space per 125 square feet; or four seats, whichever is less;**
- 5. Take Out Only, one space per 250 square feet; and**
- 6. Taverns/Bars, one space per 125 square feet, or four seats, whichever is less.**

V. Emergency Shelters, one space per staff member, and one space per remaining 5,000 square feet of building space, whichever is greater. If the building is less than 5,000 square feet, one parking space is the minimum.

W. Furniture and appliance stores; furniture repair shops, ~~one for each 500 square feet of floor area.~~ **Refer to “Retail, General”.**

X. Gas Station

- 1. Gas Station (fuel only), one and one-half spaces per fuel pump. Spaces at each fuel pump shall be counted towards meeting this requirement.**
- 2. Gas Station with Mini-mart, the same as the “Gas Station (fuel only)” requirement plus one space per 500 square feet of mini-mart floor area.**

Z. In-Door Agriculture, see Manufacturing. ~~subject to discretionary use permits~~

AA. Rooming houses and lodging-houses, ~~one for each bedroom.~~ **Refer to “Residential Uses”.**

BB. Manufacturing plants, research or testing laboratories, bottling plants; the greater of: ~~one space for every two employees in the maximum work shift; or~~ one parking space for each 700 square feet of gross floor area devoted to manufacturing, shipping or receiving, plus one space for each ~~200~~ **350** square feet of gross floor area devoted to office use.

CC. Medical or dental offices, **two spaces per examination/treatment room.** ~~five spaces per doctor in each medical or dental office.~~

DD. Movie Theater, one space per four theater seats.

EE. Launderettes and self-service laundries, one space per ~~two washers and dryers~~ **200 square feet.**

FF. Hotels and motels, ~~one space for each living or sleeping unit;~~ **Refer to Overnight Accommodations.**

GG. Open Storage Yard, one space for each 3,000 square feet of lot area, plus spaces for any office as required by this section for offices.

HH. Overnight Accommodations

- 1. Campgrounds and recreational vehicle parks, one space per sleeping area;**

2. Hotels and motels, one space per 0.7 guest room;

II. Performance Theater, refer to Assembly.

JJ. Personal Services (i.e. Barbers, Estheticians, Hair/Nail Salons, Tattoo Parlors, etc.), one space per work station.

KK. Photography Studio, one space per 700 square feet.

LL. Recreational

1. Gym, Recreational Exercise, or Skateboard Facility, one space per 200 square feet (excluding restrooms and locker rooms);

2. Dancehall/Nightclub, refer to Assembly Hall.

MM. Residential Uses

<u>Deed restricted senior or affordable</u>	<u>½ space per unit for developments that include affordable senior, disabled housing units or for units within half a mile of a major transit stop according to Government Code Sections 65585 and 65863.2</u>
<u>Single-Family</u>	<u>One space for 1-2 bedrooms and two spaces for 3 or more bedrooms with one space enclosed. For studio apartments (0 bedrooms); one space per unit, unless there is more than one studio apartment, and in such cases ½ space per studio apartment.</u>
<u>Duplex</u>	<u>One space for 1-2 bedrooms and two spaces for 3 or more bedrooms with one space enclosed</u>
<u>Multi-family</u>	<u>One parking space per unit for one-bedroom units; one and one-half (1-1/2) parking spaces per unit of which at least one parking space per unit shall be covered for units of two bedrooms; two spaces per unit for units of three or more bedrooms, of which at least one parking space per unit shall be covered</u>
<u>Mobile and Manufactured Homes</u>	<u>One space per bedroom</u>
<u>Accessory Dwelling Units</u>	<u>Refer to Chapter 18.63</u>
<u>Rooming-houses and Lodging-houses</u>	<u>One space per bedroom</u>
<u>Transitional and Supportive Housing</u>	<u>Refer to “Multi-family”</u>

Note: Parking minimums may be reduced or waived by the City Manager for any residential development within a half-mile of a major public transit stop. All City Manager determinations are appealable to the City Council.

MM. Restaurants and taverns and nightclubs, one space for each 50 square feet where the capacity is not determined by fixed seats, one space for each two and one half (2 1/2) seats. **Refer to Eating Establishments.**

NN. Retail, **General** stores, shops, etc., one space per 300 **500** square feet of floor area **to accommodate small retail in the West End District for non-coastal zones.**

1. Furniture and Appliance Stores/Furniture Repair Shops, one space per 500 square feet;

2. Machinery Sales, one space per 500 square feet.

OO. Supermarkets/mini-marts not in regional shopping center (C-4 zone), one space per 250 square feet of gross floor area.

PP. Children's homes, one space for each four beds plus one space for each employee.

PP. Veterinary Office and/or Animal Hospital, one space per 250 square feet of gross floor area.

QQ. Visitor Serving Commercial (Coastal Zone).

1. Dancehalls and assembly halls, one space for each 100 square feet of floor area used for assembly or dancing;

2. Hotels, motels, one space for each room;

3. Campgrounds and recreational vehicle parks, one space for each sleeping area;

4. Restaurants, taverns and nightclubs, one space for each 50 square feet where capacity is not determined by fixed number of seats; otherwise, one space for each two and one-half (2-1/2) seats;

5. Retail shops, stores and other visitor serving commercial use, one space per 300 square feet of floor area;

6. In addition to on-site parking requirements for each use, an additional 10% of the project's total required parking shall be required for public parking, either on-site or at another location that would serve to benefit public access, with the location subject to City Council approval.

RR. Wholesale establishments, warehouses or utility buildings, one space for each 1,000 square feet of gross floor area or one parking space for each two employees on the maximum shift, whichever is greater. Self-storage facilities, including mini-storage shall require one space for every 50 rental storage units.

SS. Regional Commercial (C-4) district: All uses in the C-4 district shall have one space per 250 **350** square feet of floor area.

In the case of any use which is not specifically mentioned herein, the parking provisions for a similar use shall apply. **If there is a deviation from the parking requirements in Section 18.64.040, the City Manager shall determine the required parking, except in circumstances otherwise requiring City Council approval. All City Manager determinations on parking requirements are appealable to the City Council.**

(Ord. 84-1 §32-16 (b)(4); Ord. 86-10 §1.0; Ord. 89-1 §2.0; Ord. 98-05, §1; Ord. 07-03)

§ 18.64.060. Development and Maintenance of Parking Areas.

Every parcel of land hereafter used as a public or private parking area, including an automobile, equipment, trailer or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:

A. Screening and Landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces any R district or institutional premises by a visual barrier such as an evergreen hedge, solid fence, masonry screen wall, or preferably a dune berm, where appropriate. Such visual barrier shall be not less than four feet nor more than six feet in height and shall be maintained in good condition without any advertising thereon.

B. Surfacing. An off-street parking area shall be surfaced with an asphaltic cement, or some other appropriate pavement material so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading, parking and storage of vehicles.

C. Lighting. ~~Any~~ Lighting use to illuminate any off-street parking area or public parking area designated for use by a private entity shall be so arranged as to reflect the light away from the adjoining premises in any district.

D. Parking Space Use. Off-street and public parking areas shall not be used for the repair, servicing or storage of materials, machinery or trailers; the sale of any goods or services; or, as a work area. No temporary or permanent structure is permitted in any off-street public parking area without a permit from the City.

E. Wheel Stops. Bumpers, posts, wheel stops or any other acceptable device shall be provided for all parking spaces. All such devices shall be firmly attached to the ground.

F. Striping. All off-street parking spaces shall be striped to show the required dimensions of the parking spaces. Each line or stripe shall be a minimum of four inches wide.

(Ord. 84-1 §32-16(b)(5); Ord. 86-10 §2.0)

§ 18.64.070. Exception—Appeal.

Except in the coastal zone, the City Council Manager may authorize, ~~on appeal~~ upon request by an applicant, a modification, reduction or waiver of the foregoing requirements only if it should find that in the particular case appealed, the nature of the use, or the exceptional shape or size of the property or other exceptional situation or condition, justifies such action; a parking determination by the City Manager is appealable to the City Council.

(Ord. 84-1 532-16(b)(6))

§ 18.64.080. On-Site Circulation Standards.

A paved, unobstructed access drive not less than 24 feet in width for two-way traffic nor less than 15 feet in width for one way traffic must be provided to within 100 feet of each dwelling unit or apartment.

Provision for turnaround must be designed into any dead-end or stub-end driveway which exceeds 150 feet from face of curb. Acceptable means of turnaround will be a cul-de-sac, key or T configuration of a minimum standard approved by the City Council. In instances where existing lots of record have been partially developed and a 24-foot access drive is not obtainable in the area of the existing development, an access drive of not less than 20 feet may be approved by the City Council if, in its opinion, the circulation and access requirements can be met.

(Ord. 84-1 §32-16(c))

~~Chapter 10.12.~~ IN-LIEU Fee For PARKING

§ 10.12.010. 18.64.090 Purpose.

The purpose of this chapter is to provide an equitable fee system for owners or their tenants who wish to utilize the property in such a way that they are not able to provide all of the off-street parking for such use as would be required by Title 18 of the Sand City Municipal Code. The funds collected under the authority of this chapter are a users fee to be used for the construction, operation, and maintenance of parking facilities within the City.

(Ord. 88-2 §1)

§ 10.12.020. 18.64.100 Adjustment.

Each property owner or his/her tenant within the City shall pay an annual fee for each parking space for which a parking adjustment is granted. All parking adjustment fees collected by the City are nonrefundable. Adjustments shall be granted, in whole or in part, or denied in accordance with this chapter. This chapter shall not be construed to give a property owner a vested right to pay a fee in lieu of providing the required parking. Said determination shall be within the sound discretion of the City Council, subject to the provisions of this chapter.

(Ord. 88-2 §2)

§ 10.12.030. 18.64.110 Use of Funds.

All fees collected pursuant to this chapter shall be specially funded in an appropriately titled fund and used solely for the purpose of providing parking in the City. Such purpose includes but is not limited to paying for studies of methods of providing additional parking in the City, for the purchase or lease of land for parking, or replacement or reconfiguration of existing public improvements, the construction of parking facilities (including, but not limited to, paying bonded indebtedness on any future parking facility within the City), the improvement of parking facilities, the replacement or reconfiguration of existing public improvements (allowing for, but not limited to restriping or new paving/striping), and maintenance of facilities.

(Ord. 88-2 §3)

§ 10.12.040. 18.64.120 Calculation of Fees.

The adjustment fee shall be calculated based upon the number of parking spaces required shall be as set forth in Title 18 of the Municipal Code, effective on the date on which an adjustment is granted.

B. The fee shall be established and thereafter adjusted from time to time by resolution of the City Council.
(Ord. 88-2 §4)

§ 10.12.050. 18.64.130 Payment of Fees.

The annual fees determined under Section 10.12.040 18.64.120 hereof shall be paid initially, prior to the time the operator of the subject business obtains a business license for such business. Thereafter, the annual fee referred to in Section 10.12.040 18.64.120 hereof shall be paid in advance at the time said business license is renewed. In the event an adjustment is granted under this chapter, it shall not be effective until the initial fee described herein is paid. Such adjustment shall become null and void and of no further effect in the event the annual fee is not paid as required herein, and the operator's business license will be of no further force and effect.

(Ord. 88-2 §5)

§ 10.12.060. 18.64.140 Parking Adjustment.

10.12.60.1 18.64.140.1 Application. Application for the parking adjustment described in this chapter shall be made by the property owner, tenant, or an agent of the owner or tenant, to the Planning Department on a form provided by the City. An application fee shall be required, which shall not be refundable. Maps, drawings, and other data may be required by the Planning Department to demonstrate that the criteria for parking adjustment as set forth in this chapter apply to the subject property. The Planning Director may, in his/her sole discretion, require any other data necessary for the City Council to make a full, fair, and equitable decision with regard to the issuance of a parking adjustment under this chapter.

10.12.60.2 18.64.140.2 Public Hearing.

Upon receipt of an application for a parking adjustment permit, the matter shall be set for a public hearing before the City Council. A notice of the application shall be mailed to all owners of property, shown on the most recent Monterey County tax assessment roll, within a minimum of 300 feet of all property boundaries. The notice shall be distributed not less than 10 days prior to hearing date.

Failure of the owners of such properties to receive notice of a hearing, when mailed in accordance with the above procedures, shall in no way affect the validity of the action taken by the City Council.

10.12.60.3 18.64.140.3 Findings of the City Council.

Prior to the issuance of any permit under this chapter, the City Council must make the following findings:

A. That the property or properties for which a parking adjustment permit is requested under this chapter cannot otherwise be economically utilized.

B. That there are no reasonable alternative means by which parking, in full compliance with the standards of Title 18 of the City's Municipal Code, may be created, either on the parcel or parcels to be developed, or by obtaining off-site parking by means of purchase, lease, or other legally binding arrangement.

C. That the issuance of such permit will not be of substantial detriment to neighboring property and the use and enjoyment thereof will not materially affect or impair the purposes of the Municipal Code, the public interest, or the public health, safety and welfare.

D. Or, in lieu of subsections A, B, and C above, that the proposed joint uses of the property do not, because of the joint use, require the full application of the parking standards of Title 18 of the Sand City Municipal Code.

10.12.60.4 18.64.140.4 Issuance of Permit Procedure.

Upon the decision of the City Council to issue a permit under this chapter, the Planning Department shall mail to the applicant a permit form containing the name of the applicant, the name of the business proposed to be conducted on the subject property, the name of the property owner, the address and legal description of the subject property for which the permit was issued, the number of spaces for which an adjustment was issued, and any terms or conditions upon which the permit was issued. Said permit form shall contain a place for the signature of both the applicant and the property owner and a statement that both understand and agree to the issuance of the permit and to any terms or conditions imposed in conjunction therewith. No permit shall be valid or effective until it has been signed by both the property owner and the applicant, returned to the City, and the fee for said adjustment has been paid in accordance with Section ~~10.12.050~~ 18.64.130 above.

(Ord. 88-2 §6)

EXHIBIT L

CONDITIONAL USE PERMITS

CHAPTER 18.74 CONDITIONAL USE PERMITS

§ 18.74.010. Purpose.

The purpose of the conditional use permit is to allow the proper integration into the community of uses that may be suitable only in specific locations in the zoning district or only if such uses are designed or laid out on the site in a particular manner. A conditional use permit shall be required for all uses as listed as conditional uses in the district regulations or elsewhere in this title that are hereafter created, changed, converted, or enlarged, either wholly or in part. In considering an application for a conditional use, the City Council shall give regard to the nature and condition of all adjacent uses and structures. In authorizing a conditional use, the City Council may impose such requirements and conditions with respect to location, construction, maintenance and operation, and site planning, in addition to those expressly stipulated in this chapter for the particular use, as it deems necessary for the protection of adjacent properties and the public interest.

(Ord. 16-01 §2)

§ 18.74.015. Combining Multiple Permits into a Conditional Use Permit.

In the course of reviewing multiple applications for a single land use and/or development project, such as applications regarding land use, site design, subdivision map, variance, and the like, are best served by consolidating those reviews and actions into a single land use entitlement permit. Therefore, when a land use and/or development project applies for two or more related permit applications for discretionary approval on one parcel or several adjacent parcels, the City may combine, at the discretion of the City Planner, those reviews and permits into a conditional use permit for properties not regulated by a coastal zone overlay. The following permits are subject to inclusion within a conditional use permit:

1. Site plan permit;
2. Design permit;
3. Planned unit development permit;
4. Variance;
5. Tentative subdivision map approval.

(Ord. 16-01 §3)

§ 18.74.020. Application.

Application shall be made to the City Council on a form prescribed for the purpose by the City. The application shall be signed by the person applying for the conditional use permit or his/her duly authorized agent; provided, that if this person is not the owner of the subject property, then the application shall be countersigned by the property owner or his/her duly authorized agent to indicate knowledge of the contents of the application. Conditional use permit, revocable, conditional or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this title. Granting of a conditional use

permit does not exempt the applicant from complying with the requirements of the building code or other applicable sections of this title.
(Ord. 84-1 §36-5(a))

§ 18.74.025. Findings Required.

Before a conditional use permit shall be granted, the City Council shall find:

- A. The proposed use is consistent with the General Plan and any applicable Specific Plan or Area Plan;**
- B. The proposed use is consistent with applicable provisions of the Zoning Ordinance and other applicable Municipal Code provisions including access, circulation, parking supply, utilities including water supply;**
- C. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity;**
- D. The site is physically suitable for the type, density and intensity of use being proposed, including the absence of physical constraints that would impede proposed use of the property in a manner consistent with these findings;**
- E. Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood, or materially detrimental or injurious to property or improvements in the vicinity and zoning district in which the property is located; and**
- F. The proposed use has been evaluated pursuant to, and findings adopted in accordance with, relevant provisions of the California Environmental Quality Act.**

(Ord. X)

§ 18.74.030 Fee.

The application fee shall be set by the Council in an amount consistent with the actual cost of processing an application. No part of such fee shall be refundable.
(Ord. 84-1 §36-5(b))

§ 18.74.040. Accompanying Maps and Drawings.

The application shall be accompanied by such maps and drawings necessary to demonstrate that conditions set forth herein are fulfilled.
(Ord. 84-1 §36-5(c))

§ 18.74.050. Hearing.

The City Council shall set the matter for public hearing not less than 30 days after date of application. Notice of the action shall be posted in a local newspaper of general circulation not less than 10 days prior to the date of such hearing. Failure to read notice of hearing shall in no way affect the validity of the action taken.
(Ord. 84-1 §36-5(d))

§ 18.74.060. Approval.

Provided that the City Council is satisfied that the proposed structure or use conforms to the requirements and the intent of this division and the general plan, that any additional conditions stipulated by the City Council as deemed necessary in the public interest will be met, and that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the community, the City Council shall approve the issuance of a conditional use permit.

(Ord. 84-1 §36-5(e))

EXHIBIT M

EXCEPTIONS-MODIFICATIONS

CHAPTER 18.78
EXCEPTIONS AND MODIFICATIONS

§ 18.78.010. Modifications.

The requirements and regulations specified hereinbefore in this title shall be subject to the exceptions, modifications and interpretations set out in this chapter.

(Ord. 84-1 §35-1)

§ 18.78.020. Existing Lots of Record.

In any district where there exists a legal lot of record on the effective date of the ordinance codified in this title and not in violation of any ordinance on the date of the recordation of such lot, and irrespective of its area or width, any use permitted in the zoning district in which such lot of record is located shall be permitted on said lot of record; provided, however, that all other requirements for permitted uses in such district shall be met except as specifically modified elsewhere herein.

(Ord. 84-1 §35-2)

§ 18.78.030. Height Limits.

Except in the coastal zone, height limitations stipulated elsewhere in this division shall not apply:

- A. To transmission towers, lines and poles, chimneys, smokestacks, flagpoles, radio towers and aerals.
- B. To water tanks, monitors, air conditioning units, scenery lofts, and other necessary accessory units mounted on buildings, provided no linear dimension of any such structure exceeds 50% of the corresponding linear dimension of the building upon which such unit is mounted; or to towers and monuments, fire towers, hose towers, cooling towers, gas holders or other structures where the manufacturing process requires a greater height; provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot and shall be distant not less than 25 feet in all parts from every lot line not a street lot line.
- C. To communications equipment buildings in districts where height limitations are 35 feet or less.

(Ord. 84-1 §35-3)

§ 18.78.040. Distance Between Residential Structures, Exceptions and Modifications.

The distance between residential structures may be varied where the side walls of adjoining buildings on a single lot are not parallel or are broken or otherwise irregular. In such case the average distance between residences shall not be less than the otherwise required least distance; provided, however, that such distance shall not be less at any point than 1/2 the otherwise required least distance.

(Ord. 84-1 §35-4)

§ 18.78.050. Projections Into Required Yards.

Certain architectural features may project into required yards or courts as follows:

- A. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two feet six inches; provided, such projection shall not exceed 1/2 the otherwise required yard.
 - B. Fire escapes, stairways, open balconies, open porches and chimneys may project a distance not exceeding four feet; provided such features do not occupy, in the aggregate, more than 1/3 of the area of the building wall on which they are located.
- (Ord. 84-1 §35-5)

§ 18.78.060. Requests for Reasonable Accommodation—Applicability.

A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts).

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 18.78.060(A).

- A. **Application Requirements.** Requests for reasonable accommodation shall be submitted on an application form provided by the Community Development Department, or in the form of a letter to the Community Development Director and shall contain the following information:
 - 1. The applicant's name, address and telephone number;
 - 2. Address of the property for which the request is being made;
 - 3. The current use of the property;
 - 4. The basis for the claim that the individual is considered disabled under the Acts;
 - 5. The zoning ordinance provision, regulation or policy from which reasonable accommodation is being requested;
 - 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. **Review With Other Land Use Applications.** If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including, but not limited to, a conditional use permit, design review, general plan

amendment, zoning change, etc.), then the applicant shall file the information required by subsection A together for concurrent review with the application for discretionary approval.

- C. Review Authority. Requests for reasonable accommodation shall be reviewed by the Community Development Director if no discretionary land use approval is sought other than the request for reasonable accommodation. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application requiring design review committee (DRC) or City Council approval shall be reviewed by the authority reviewing the discretionary land use application.
- D. Review Procedure. When the request is under the Community Development Director's purview, he/she shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 18.78.060(E). When the request is related to another discretionary review by the design review committee or the City Council, the written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 18.78.060(E).
- E. Findings and Decisions. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to insure that the reasonable accommodation complies with the required findings.
 - 1. Whether the housing which is the subject of the request will be used by an individual disabled under the Acts.
 - 2. Whether the request is necessary to make specific housing available to an individual with a disability under the Acts.
 - 3. Whether the requested accommodation would impose an undue financial or administrative burden on the City.
 - 4. Whether the requested accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
 - ~~5. Potential impact on surrounding uses.~~
 - 6. Physical attributes of the property and structure(s).
 - 7. Alternative reasonable accommodations which may provide an equivalent level of benefit.
- F. Appeal of Determination. Should the City Council ultimately decide on the request for reasonable accommodation due to its related land use authority, that decision shall be non-appealable and final. If, however, the Community Development Director or the Design Review Committee denied the request of reasonable accommodation, said decision shall be appealable to the City Council for final resolution.

(Ord. 07-02)

EXHIBIT N

LOW BARRIER NAVIGATION

CHAPTER 18.83
LOW BARRIER NAVIGATION CENTERS

§ 18.83.010. Purpose.

The purpose of this chapter is to implement the provisions of Government Code Section 65660 et seq. relating to low barrier navigation centers. (Ord. X)

§ 18.83.020. Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.**
- B. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:**
- 1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth;**
 - 2. Pets;**
 - 3. The storage of possessions; or**
 - 4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.**
- C. “Low barrier navigation center” means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. (Ord. X)**

§ 18.83.030. Designation of Areas Where Low Barrier Navigation Centers Are Permitted.

Low barrier navigation centers shall be allowed as a permitted use in zoning districts that permit mixed-uses, including nonresidential zones where multifamily residential uses are permitted, provided they meet the following criteria:

- A. It offers services to connect people to permanent housing through a services plan that identifies services staffing.**
- B. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.**
- C. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.**
- D. It has a system for entering information regarding client stays, client demographics,**

client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

(Ord. X)

§ 18.83.040. Application Process and Timing.

Application for and approval of a low barrier navigation center shall be as follows.

- A. Application Process. Prior to the establishment of low barrier navigation center, an application for a "zoning compliance statement" shall be completed and submitted to the City's Planning Department for review in compliance with this chapter. Low barrier navigation centers shall be allowed by ministerial approval of a zoning compliance statement issued by the City Planner, without discretionary review or hearing, in all areas of Sand City that are designated for their use as specified in Section 18.83.030, provided the requirements outlined in this chapter are met in each application.
- B. Timing. A zoning compliance statement shall be issued within 60 days from the date the City receives a completed application for a low barrier navigation center provided all of the applicable requirements of this chapter are satisfied. If the applicant for a low barrier navigation center makes a request for a delay, the 60 day time period for a zoning compliance statement shall be tolled for the period of the requested delay.

(Ord. X)

§ 18.83.050. Fees.

Fees for low barrier navigation centers shall apply as follows.

- A. Impact Fees.
- B. Plan Review and Permit Fees. Standard City fees pertaining to plan check review and building permit issuance, as adopted by City Council resolution, shall apply to all low barrier navigation centers.

(Ord. X)

**AGENDA ITEM
9A.**

**Approve a Resolution Amending the Sand
City, City Council Expenses
Reimbursement Policy**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Vibeke Norgaard, City Manager; Jennifer Pope, Finance Manager
SUBJECT: City Councilmembers' Expense Reimbursement Policy
DATE: February 4, 2024

BACKGROUND/DISCUSSION:

The Council Expense Reimbursement Policy was adopted on December 2, 2008, by Resolution SC 08-117. The policy has not been updated for over 16 years. Staff reviewed the policy and are recommending changes to incorporate best practices and strengthen internal controls. Some procedures in the current policy are outdated and can be administratively burdensome. The recommended revisions are as follows:

- Change meal per diem to reflect the US General Services Administration (GSA) rates for the destination which will minimize the administrative workload from processing travel expenses for meals.
- Updates to authorized and unauthorized expenses.
- Clarification on transportation and lodging.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

Travel Costs could increase minimally due to the change in meal per diem rates; however, this is dependent upon travel destinations. There should be sufficient funds in the Fiscal Year 24-25 Budget to support any changes related to this policy.

RECOMMENDATION:

1. Adopt a resolution amending the Council Expense Reimbursement Policy
2. Provide alternate direction

ATTACHMENTS:

1. Resolution
2. Revised City Councilmembers' Expense Reimbursement Policy

3. Travel Expense Report Form
4. Current Council Expense Reimbursement Policy

**CITY OF SAND CITY
RESOLUTION SC 25-____, 2025**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY AMENDING THE SAND CITY,
CITY COUNCIL EXPENSE REIMBURSEMENT POLICY**

WHEREAS, the City of Sand City takes its stewardship over the use of its limited public resources seriously; and

WHEREAS, public resources should only be used when there is a substantial benefit to the City; and

WHEREAS, the Sand City Council Expense Reimbursement Policy was adopted by City Council on December 2, 2008 by Resolution SC 08-117; and

WHEREAS, the City periodically examines the Council Expense Reimbursement Policy to review internal controls, update best practices, and to address new circumstances; and

WHEREAS, this policy would satisfy the requirements of Government Code sections 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities; and

WHEREAS, revisions were made to the Council Expense Reimbursement Policy that follow State law provisions establishing travel objectives and setting forth permissible use of public funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Sand City does hereby approve the changes to Council Expense Reimbursement Policy (attached).

PASSED AND ADOPTED by the City Council of the City of Sand City this ____, day of _____, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

5849191.1

CITY COUNCILMEMBERS' EXPENSE REIMBURSEMENT POLICY

A. Purpose

To ensure consistent application of expenses and reimbursements related to City approved travel, training, and other expenses for City Council, and to ensure accountability and proper use of City funds.

B. Approved Reasons for Reimbursable Expenses

Council may be reimbursed for reasonable expenses for the following types of City business:

1. Communicating with representatives of local, regional, state, and national government on City policy.
2. Travel associated with:
 - a. Attending educational seminars designed to improve officials' skill and information related to their role on the City Council, provided that a brief report of such seminar shall be made by the Mayor and Council at a subsequent Council meeting.
 - b. Participating in local, regional, state and national organizations whose activities affect the City.
 - c. Attending City events; or events sponsored by organizations or entities whose activities affect the City's interest where the primary purpose of the event is to discuss subjects which relate to City business.
 - d. Implementing a City approved strategy for attracting or retaining businesses to the city/county/district, which will typically involve at least one staff member.
3. Recognition services to the City (for example, thanking a long time employee with a retirement gift or celebration of nominal value and cost).
4. Conducting City related business in connection with Councilmembers role as policy makers.

Expenditures for all other activities require prior approval by the City Council at a public meeting. The following expenses also require prior governing body approval:

1. International [and out-of-state] travel;
2. Expenses which exceed the budget established by Council.

C. Authorized Expenses

To conserve City resources and keep expenses within government standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines, unless prior approval from the City Council is obtained at a public meeting.

1. Registration Fees. Registration fees charged for any authorized convention, conference, seminar or meeting is reimbursable.
2. Transportation. The most economical mode and class of transportation reasonably consistent with scheduling needs and requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.
 - (a) Airfare. Airfare should be booked with the airline that offers the best fare and routing for the destination. Advance arrangements for air travel should be made in order to receive the best rate for the travel period. All air travel will be reimbursed at the coach/economy class rate, and any upgrade cost will be the responsibility of the traveler.
 - (b) Automobile. Mileage reimbursement will be calculated at the IRS Standard Mileage Rate in effect at the time of travel. The mileage rate constitutes full payment to the representative for travel by personal automobile. The City will not pay for fuel for a personal vehicle. The City is not responsible for losses to the representative's vehicle while traveling. In the event of any liability claims the representative's own insurance shall assume the liability. Any moving or stationary citations are the responsibility of the representative.
 - (c) Car Rental. Automobile rental will be limited to the cost of a compact or mid-size car. When using a rental car, reimbursement shall be authorized for reasonable and actual costs of gasoline, parking, and tolls.
 - (d) Taxis/Shuttles/Uber/Lyft. Fares may be reimbursed, including a reasonable gratuity per fare, when the cost of such fares is equal

or less than the cost of car rentals, gasoline, and parking combined, or when such transportation is necessary for time efficiency.

- (e) Other Travel Related Expenses. Baggage fees will be reimbursed.
- 3. Airport Parking. Long-term parking should be used for travel exceeding 24 hours. If shuttle, taxi, etc. is cheaper than long term parking the less expensive option should be used.
- 4. Lodging. Reimbursement for the cost of lodging incurred on City business will be made on the basis of the actual cost of the accommodation. The Councilmember shall make reasonable efforts to inquire into the availability of government and group rates (such as those available through the League of California Cities, the California State Association of Counties, the State of California). Rooms offered in the mid-price range for the area at the time of the event will be used to determine what is acceptable as a reasonable expense. A copy of the paid hotel bill must accompany the expense form.
 - (a) The actual and reasonable costs of lodging for out of town “official duty” events are reimbursable from the night preceding the beginning of the event, through the night preceding the close of the event. The councilmember shall be entitled to reimbursement for meals, pursuant to this Section, from the beginning of travel through the end of travel.
- 5. Meals. Per Diem will be calculated at the U.S. General Services Admin (GSA) rate for the destination in which you are traveling and that is in effect during the time of travel. (These rates will be reviewed annually, and changes will go into effect on January 1st of each year.) Per Diem allowance is paid in lieu of itemized expenditures and covers all meals and breaks, inclusive of gratuity, for a 24-hour period.
- 6. Internet. Officials will be reimbursed for internet access connection and/or usage fee away from home, not to exceed \$15 per day. If internet access is necessary for City-related business.

D. Unauthorized Expenses

Examples of expenses that the City will not reimburse include, but are not limited to

- 1. Personal expenses incurred while on City business.
- 2. Political contributions or attendance at political events.

3. Expenses for which travelers receive reimbursement from another agency
4. Alcoholic beverages.
5. Any additional costs associated with a spouse/guest attending a conference will be the sole responsibility of the representative. Expenses associated with a spouse/guest attendance will be deducted from all bills prior to submittal for reimbursement.
6. Entertainment expenses, including theater, movies (either in-room or at the theater). sporting events (including gym massage and/or golf related expenses), or other non-city related cultural events.
7. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance, or gasoline.
8. Personal losses incurred while on City business.
9. Expenses that are not related to City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Manager before the expense is incurred. Unauthorized expenses will be the responsibility of the Councilmember.

E. Procedure for Obtaining Advances for Anticipated Travel Expenses

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such a request for an advance should be submitted to the Finance Manager and the City Manager, ten (10) days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. Whether the expenditure is for an authorized activity;
3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
4. The anticipated dates of the expenditure(s).

Any unused advance must be returned to the City within five (5) working days of the officials' return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the Finance Manager is uncertain as to whether a request complies

with this policy, such individual must seek resolution from the City Manager. The City Manager's decision shall be final.

F. Procedure for Reporting Actual Travel Expenses

All cash advance expenditures must be accounted for in a Travel Expense Report, submitted to the Finance Manager. Likewise, all requests for reimbursement of travel expenses must be submitted to the Finance Manager on the approved Travel Expense Report form. All expenditures listed on the Travel Expense Report must be documented to a sufficient degree to allow a determination whether the expense is authorized under this Policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities, in addition to providing a copy of the receipt for payment of the meal. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities, tolls, and parking meters under \$15 are not required.

1. Time for Submission of Travel Expense Report. Travel Expense Reports together with receipts and other supporting documentation must be submitted to the Finance Manager within 14 days of the expense being incurred. The Finance Manager may request additional documentation regarding the claimed expense. Failure to provide such documentation in a timely fashion may result in the expense being the responsibility of the official.
2. Audit of Travel Expense Reports. All expenses are subject to verification that they comply with this policy.
3. Compliance With Disclosure Law. City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All City expenditures are public records subject to disclosure under the Public Records Act.

G. Procedure for Reporting and Reimbursement of Non-Travel Related Expenses

Claims for expenses authorized by this policy which are not related to travel shall be reported to the Finance Manager within a reasonable time after the expense is incurred.

CITY OF SAND CITY - Travel Request & Expense Report

Name:

Department:

Reason for Travel & Location:

Dates: From:

To:

Time: Departure:

Return:

TOTAL COST TO CITY:

	Number	Rate	Total	Per Diem Adv/Pre-Paid Expense	Credit Card Charges	Employee Paid Expenses
Lodging			\$0.00			
Flight/Car Rental			\$0.00			
Parking			\$0.00			
Mileage		0.70	\$0.00			
Register/Tuition						
Misc. Expense						

\$0.00

\$0.00

\$0.00

	Number of Meals	Per Diem Rate for destination	Allowed Meals			
Breakfast			\$0.00			
Lunch			\$0.00			
Dinner			\$0.00			
			\$0.00			\$0.00

**Due to Employee
Refunded to City**

NOTE: Attach all receipts with the exception of meals.

Employee:

Date:

Dept Head Authorization:

Date:

City of Sand City

RESOLUTION SC 08-117, 2008

**Resolution of the City Council of the City of Sand City
Adopting a Council Expense Reimbursement Policy**

WHEREAS, the City of Sand City takes its stewardship over the use of its limited public resources seriously; and

WHEREAS, public resources should only be used when there is a substantial benefit to the City; and

WHEREAS, such benefits include:

- (a) the opportunity to discuss the community's concerns with state and federal officials;
- (b) participating in regional, state and national organizations whose activities affect the City;
- (c) attending educational seminars designed to improve officials' skills and information levels; and,
- (d) Promoting public service and morale by recognizing such service; and

WHEREAS, legislative and other regional, state and federal agency business is frequently conducted over meals; and

WHEREAS, sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City's policy concerns; and

WHEREAS, this policy provides guidance to elected and appointed officials that are members of the various legislative bodies of the City, as defined in California Government Code Section 54952, on the use and expenditure of City resources, as well as the standards against which those expenditures will be measured. and

WHEREAS, this policy would satisfy the requirements of Government Code Sections 53232.2 and 53232.3 in the event such requirements could be constitutionally applied to charter cities; and

WHEREAS, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources;

WHEREAS, this policy supplements the definition of authorized travel and other expenses when on official duty for purposes of the City Charter relating to permissible uses of public

resources; and,

WHEREAS, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sand City shall reimburse City officials for actual and necessary expense incurred in the performance of official duties in accordance with the Expense Reimbursement Policy attached hereto marked Exhibit "A" and by this reference incorporated herein, as the same may be amended from time to time by action of the City Council.

PASSED AND ADOPTED by the City Council of Sand City this 2nd day of December, 2008, by the following vote:

AYES: Council Members Blackwelder, Carbone, Hubler, Morris, Pendergrass

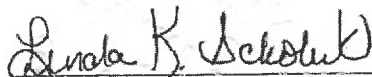
NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:

APPROVED:


Linda K. Scholink, City Clerk

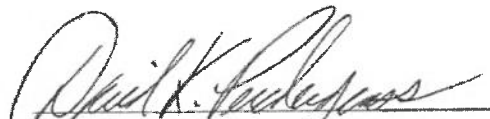

David K. Pendergrass, Mayor

EXHIBIT A

EXPENSE REIMBURSEMENT POLICY

A. Authorized Expenses- Expenses Resulting From:

1. Communicating with representatives of local, regional, state and national government on City policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels, provided that a brief report of such seminar shall be made by the Mayor and Council at a subsequent Council meeting;
3. Participating in local, regional, state and national organizations whose activities affect the City's interests;
4. Attending City events; or events sponsored by organizations or entities whose activities affect the City's interest where the primary purpose of the event is to discuss subjects which relate to City business;
5. Implementing City approved policies;
6. Meals for persons with whom the official is conducting City related business, not to exceed the daily maximum as set forth in this Resolution;
7. Telephone and fax expenses incurred in the conduct of City business; and,
8. Purchase of miscellaneous office supplies for use in the conduct of City business when such supplies that are normally purchased by the City are not immediately available.

Expenditures for all other activities require prior approval by the City Council at a public meeting.

B. Unauthorized Expenses

Examples of personal expenses that the City will not reimburse include, but are not limited to:

1. The personal portion of any trip; such as where the official is on his/her own vacation activities;
2. Political contributions or attendance at political events;
3. Family expenses, including partner's expenses when accompanying official on City related business, as well as children or pet-related expenses; except for a partner's meal expense at an event-sponsored meal when it is obvious that the

partner is expected to attend and would not otherwise attend except for the official's role;

4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other non-city related cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
6. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

C. Authorized Expenses Defined

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines, unless prior approval from the City Council is obtained at a public meeting (lodging not included).

1. Registration Fees. Registration fee charged for any authorized convention, conference, seminar or meeting is reimbursable.
2. Transportation. The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.
 - (a) Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.
 - (b) Automobile. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see: www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable.
 - (c) Car Rental. Rental rates that are equal or less than those available through the State of California's website

(<http://www.catravelsmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

- (d) Taxis/Shuttles. Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
 - (e) Airport Parking. Long-term parking should be used for travel exceeding 24 hours.
 - (f) Other Travel Related Expenses. Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which City officials receive reimbursement from another agency are not reimbursable.
3. Lodging. Lodging expense at the single room rate will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.
- (a) Conference/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.
 - (b) Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelsmart.com/lodguideframes.htm>. Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates should be reasonable and hence reimbursable.
4. Meals. Meal expenses and associated gratuities will be reimbursed at actual costs generally not exceeding the daily maximum of \$90.00; and \$120.00 for the League of California Cities conference. Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. The standard per diem and per diem for League of California Cities conferences adopted by the City of Sand City is as follows:

Standard Per Diem		League of California Cities
		Conferences
Breakfast	\$ 15.00	\$ 20.00
Lunch	\$ 30.00	\$ 40.00
Dinner	\$ 45.00	\$ 60.00
Total	\$90.00	\$120.00

D. Procedure for Obtaining Advances for Anticipated Travel Expenses

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the Director of Administrative Services, and copied to the City Administrator, ten (10) working days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. Whether the expenditure is for an authorized activity;
3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
4. The anticipated dates of the expenditure(s).

Any unused advance must be returned to the City within five (5) working days of the officials' return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

E. Procedure for Reporting Actual Travel Expenses

All cash advance expenditures must be accounted for in a Travel Expense Report, submitted to the Director of Administrative Services on a form approved by the Director of Administrative Services. Likewise, all requests for reimbursement of travel expenses must be submitted to the Director of Administrative Services on the approved Travel Expense Report form. All expenditures listed on the Travel Expense Report must be documented to a sufficient degree to allow a determination whether the expense is authorized under this Resolution. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities, in addition to providing a copy of the receipt for payment of the meal. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.

1. Time for Submission of Travel Expense Report. Travel Expense Reports together with receipts and other supporting documentation must be submitted to the Director of Administrative Services within 10 days of an expense being incurred. The Director of Administrative Services may request additional documentation regarding a claimed expense. Failure to provide such documentation in a timely fashion may result in the expense being borne by the official.
2. Audits Of Travel Expense Reports. All expenses are subject to verification that they comply with this policy.

3. Compliance With Disclosure Laws. City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All City expenditures are public records subject to disclosure under the Public Records Act.

F. Procedure for Reporting and Reimbursement of Non-Travel Related Expenses

Claims for expenses authorized by this policy which are not related to travel shall be reported to the Director of Administrative Services within a reasonable time after the expense is incurred. Documentation in the form of telephone bills submitted in support of claims for reimbursement of telephone expenses should identify which calls were made on City business. Claims for reimbursement for small out of pocket purchase of miscellaneous office supplies shall be supported by a receipt and may be reimbursed from the City's petty cash fund.

Violation of This Policy

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the City, 3) the City's reporting the expenses as income to the official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) criminal prosecution for misuse of public resources.

**AGENDA ITEM
9B.**

**Approve a Resolution Amending the Sand
City Personnel Manual Chapter 5, Section
5.14, Travel and Expense Policy for
Employees**



City of Sand City

STAFF REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Vibeke Norgaard, City Manager; Jennifer Pope, Finance Manager
SUBJECT: Sand City Personnel Manual Chapter 5, Section 5.14 Travel and Expense Policy for Employees
DATE: February 4, 2024

BACKGROUND/DISCUSSION:

The City Travel and Expense Policy for Employees was adopted on July 18, 2000, by Resolution SC 00-53 as a part of the Personnel Manual, and was amended on December 2, 2008, by Resolution SC 08-116. The policy has not been updated for over 16 years. Staff reviewed the policy and is recommending changes to incorporate best practices and strengthen internal controls. Some procedures in the current policy can be administratively burdensome and do not follow the U.S. General Services Administration (GSA) for reimbursements while traveling on City business. The recommended revisions are as follows:

- Change meal per diem to reflect the US General Services Administration (GSA) rates for the destination which will minimize the administrative workload from processing travel expenses for meals.
- Clarification on methods of travel with the addition of a section on airfare.
- Clarification on lodging with the addition of a section on hotel accommodations.

CEQA:

This action does not constitute a "project" as defined by the California Environmental Quality Act (CEQA) guidelines section 15378.

FISCAL IMPACT:

Travel Costs could increase minimally due to the change in meal per diem rates; however this is dependent upon travel destination. There should be sufficient funds in the Fiscal Year 24-25 Budget to support any changes related to this policy.

RECOMMENDATION:

1. Adopt a resolution amending the Sand City Personnel Manual Chapter 5, Section 5.14, Travel and Expense Policy for Employees.

2. Provide alternate direction

ATTACHMENTS:

1. Resolution
2. Revised Travel and Expense Policy for Employees
3. Revised Travel Expense Report

5847306.1

**CITY OF SAND CITY
RESOLUTION SC 25-____, 2025**

**RESOLUTION OF THE CITY COUNCIL OF SAND CITY AMENDING THE SAND CITY
PERSONNEL MANUAL CHAPTER 5, SECTION 5.14, TRAVEL AND EXPENSE
POLICY FOR EMPLOYEES**

WHEREAS, the Sand City Personnel Manual was adopted by City Council on July 18, 2000 by Resolution SC 00-53; and

WHEREAS, Chapter 5, Section 5.14, Travel and Expenses Policy for Employees was amended on December 2, 2008, by Resolution SC 08-116; and

WHEREAS, the City periodically reviews its Travel and Expense Policy for Employees to review internal controls, update best practices, and to address new circumstances; and

WHEREAS, revisions were made to the Travel and Expense Policy for Employees that follow State law provisions establishing travel objectives and setting forth permissible use of public funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Sand City does hereby approve the changes to Chapter 5, Section 5.14, *Travel and Expense Policy for Employees* of the Personnel Manual (attached).

PASSED AND ADOPTED by the City Council of the City of Sand City this ____, day of _____, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Mary Ann Carbone, Mayor

ATTEST:

DATED: _____

Kerry Lindstrom, City Clerk

5.14 TRAVEL AND EXPENSE POLICY AND PROCEDURES FOR EMPLOYEES

A. PURPOSE

To ensure consistent application of expenses and reimbursements related to City approved travel and training for City employees (excluding elected and appointed officials who are governed by the City Councilmember's Expenses Reimbursement Policy), and to ensure accountability and proper use of City funds.

B. POLICY

City employees, while traveling on City business, will be reimbursed for actual authorized and reasonable expenses as set forth in this policy. Travel and accommodation must be approved and arranged in accordance with departmental procedure and City policy.

a. Travel Request and Expense Report Required

A Travel Request and Expense Report form is required for all travel, except for one-day travel. One-day travel is defined as travel not requiring overnight lodging. Employees covered under this policy may obtain a Travel Request and Expense Report from the City's Finance Office.

b. Exceptions

All exceptions to this travel policy must be approved by the City Manager or his/her designee. Failure to obtain prior authorization for exceptions will cause the **employee to be solely responsible** for the unauthorized expenses.

c. Travel Policy Acknowledgment

Every employee who travels must have a signed copy of the Travel Policy Acknowledgment on file with the City's Finance Office.

C. TRAVEL APPROVAL

a. One-Day Travel

One-day travel shall require prior approval from the Department Head and shall be reimbursed at actual expenses, not to exceed the established per diem rates. Original receipts will be required for reimbursement of one-day travel.

b. Advance Approval Required

Travel and overnight accommodations and associated costs to attend conventions, conferences, training seminars and other work-related meetings must be approved by the Department Head prior to the actual travel. Travel requests for Department Heads must be approved by the City Manager or designee.

c. Expense Advances

To guarantee travel expenses in advance, the Finance Office must receive the check request a minimum of two weeks prior to the event. Trip advances will be based on established per diem, lodging costs and other trip expenses approved by the Department Head and/or City Manager.

d. Out-of-State Travel

Travel outside the State of California or the country requires special permission. When such travel is considered in the best interest of the City, specific approval must be obtained in advance from the requesting employee's Department Head and must be authorized and approved by the City Manager.

D. TRANSPORTATION

Non-exempt employees will be reimbursed for their travel time, from the City office to their destination and returning back to the City office, if such travel time falls outside of their assigned work schedule. Non-exempt employees should use reasonable efforts to travel during their work schedule.

a. Selection of Mode of Travel

The most efficient mode of travel will be determined after considering the time involved and the cost of the alternative modes. The mode of travel which uses the City's resources most efficiently should be the first priority. When automobile travel is used as an alternative to air travel, the amount reimbursed will be based on the least expensive mode of travel.

b. Airfare

Airfare should be booked with the airlines that offer the best fare and routing for the destination. Advance arrangements for air travel should be made in order to receive the best rate for the travel period, i.e. booking as far in advance as reasonably possible. All air travel will be reimbursed at the coach/economy class rate, and any upgrade cost will be the responsibility of the traveler.

c. Personal Vehicle

If a City employee uses a private vehicle for travel to a conference or meeting, and is being reimbursed on the basis of the price of airfare, the cost of transportation to and from the originating and destination airports will be included as part of the cost to be reimbursed. This will be determined by applying the mileage reimbursement rate to the actual miles traveled or the actual cost of the public transportation. If the conference or activity is not at the place of lodging, the travel between the two locations will be reimbursed.

d. Rental Cars

The request to utilize a rental car in lieu of public transportation should be made prior to leaving for the activity. The availability of other public and private means of transportation and their cost should be considered when determining the advantages of using a rental automobile. Automobile rental will be limited to the cost of compact or mid-size cars. Rental car reservations must be made prior to travel. Employees are directed not to purchase additional insurance offered by the rental car agency. If an employee chooses to purchase the additional insurance, the City will not reimburse the charges incurred for the insurance costs.

e. Mileage Reimbursement Rate

Mileage reimbursement will be calculated at the IRS Standard Mileage Rate (unless otherwise stated in their employment agreement) in effect during the time of travel.

The mileage rate constitutes full payment to the employee for travel by personal automobile. The City will not pay for actual filling of the personal vehicle's gas tank. The City is not responsible for losses to the employee's automobile while traveling. In the event of any liability claim against the employee, the employee's own insurance shall assume the liability. Any moving or stationary citations are the responsibility of the employee.

Employees who receive a monthly auto allowance and travel outside of a 25-mile radius of the City of Sand City will receive the IRS Standard Mileage Rate unless otherwise established in their employment agreement.

f. Mileage Between Employee's Residence and Workplace

There is no mileage reimbursement for travel between an employee's residence and the workplace. Mileage reimbursements are calculated from the employee's place of work to the specified destination.

E. PER DIEM FOR MEALS

a. Per Diem Policy

The cost of meals, including a reasonable tip based on current tipping courtesy, will be covered by the per diem allowance referenced in Section b. below and paid to the employee attending or traveling to or from conferences or meetings on behalf of the City. When the employee chooses to travel by vehicle rather than to fly, per diem will be allowed based on "reasonable" travel time before and after the conference or meeting.

b. Per Diem Prorated

Per diem will be calculated at the US General Services Admin (GSA) rate for the destination, in effect during the time of travel. *(These rates will be reviewed annually, and changes will go into effect on January 1st of each year.)*

Per diem allowance is paid in lieu of itemized expenditures and covers expenses for all meals and breaks, inclusive of tips, for a 24-hour period. For periods of less than 24 hours, the per diem allowance is prorated based on the meal periods where estimated departure and return times fall within an hour of the defined meal period times cited below.

Per diem will be paid in accordance with the following schedule:

	<u>Departure Time is Before:</u>	<u>Return Time is After:</u>
Breakfast:	7:00 a.m.	8:00 a.m.
Lunch:	12:00 noon	1:00 p.m.
Dinner:	5:00 p.m.	6:30 p.m.

c. City Credit Card

Authorized employees may use a City credit card for City business trips or meetings. However, any daily meal expenses charged to the credit card that are above the daily per diem allowance as specified in this policy will be reimbursed by the employee.

d. Meals Exceeding Per Diem Allowance

When the nature of the event causes a meal to exceed the allowed amount, an explanation should be made on the expense claim form and will require approval of the City Manager or his/her designee for the employee to obtain a reimbursement above the allowed amount. The cost of alcoholic beverages is not reimbursable.

F. HOTEL ACCOMMODATIONS

a. Lodging Policy

Reimbursement for the cost of lodging incurred on City business will be made on the basis of the actual cost of the accommodation. Rooms offered in the mid-price range for the area at the time of the event will be used to determine what is acceptable as a reasonable expense. Single rates shall prevail except when the room is occupied by more than one City employee. A copy of the paid hotel bill must accompany the expense form.

b. Additional Nights Lodging

Lodging expenses for the night prior to the beginning of a conference or meeting will be allowed if the employee is required to leave home prior to 7:00 a.m. to attend the conference or meeting. Lodging expenses for the night following the conclusion of the conference or meeting will be allowed if the employee's reasonably expected return time is after 9:00 p.m. Any exceptions will require the approval of the City Manager or his/her designee.

c. Lodging for Alternate Mode of Travel

Whenever the employee chooses to travel by vehicle rather than travel by air and this results in additional night(s) lodging, the allowable lodging expense will be based on lodging which would have been required if the employee had traveled by air.

Any additional costs associated with a spouse/guest attending a conference or meeting with the City employee or representative will be the sole responsibility of the employee. Expenses associated with spouse/guest attendance shall be deducted from receipts prior to submittal for reimbursement.

G. SUMMARY OF APPROVED/NON-APPROVED EXPENSES

Approved for Reimbursement

Registration
Lodging
Transportation
Meals
Parking Fees & Tolls fees
Reasonable Local Transportation
Business Related Telephone Calls
Business Related Entertainment
In-room Wi-Fi

Not Approved for Reimbursement

Dry Cleaning
Laundry
Alcoholic Beverages
Snacks
Clothing, etc.
Personal Entertainment
In-room Movies
Recreation

H. FINALIZING TRAVEL REQUEST

Completed Travel Request and Expense Reports shall be filed with the Finance Office within thirty (30) days of return from authorized travel. A fully complete Travel Expense Report should include:

- A description of the expense.
- All expenses related to the travel/conference.
- Original receipts where receipts are required, unless previously provided. (Exception: Credit Card Receipts. Original credit card receipts should be attached to the demand to pay the monthly credit card bill.)
- Receipts are not required for meals

CITY OF SAND CITY - Travel Request & Expense Report

Name:

Department:

Reason for Travel & Location:

Dates: From:

To:

Time: Departure:

Return:

TOTAL COST TO CITY:

	Number	Rate	Total	Per Diem Adv/Pre-Paid Expense	Credit Card Charges	Employee Paid Expenses
Lodging			\$0.00			
Flight/Car Rental			\$0.00			
Parking			\$0.00			
Mileage		0.70	\$0.00			
Register/Tuition						
Misc. Expense						

\$0.00

\$0.00

\$0.00

	Number of Meals	Per Diem Rate for destination	Allowed Meals			
Breakfast			\$0.00			
Lunch			\$0.00			
Dinner			\$0.00			
			\$0.00			\$0.00

**Due to Employee
Refunded to City**

NOTE: Attach all receipts with the exception of meals.

Employee:

Date:

Dept Head Authorization:

Date: